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SURVEY OF GREATER GERMANY

SECTION IV

17 July 1943

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SECTION IV

TABLE OF CONTENTS

Page

Paragraph 27. The Government 1

a. General Characteristics; the Fuehrer 1
b. Central Government 5

1. Ministerial Council for Defense of the Reich
2. Privy Cabinet Council
3. Reichstag
4. Electoral System
5. Cabinet
6. Ministries and Reich Commissioners
7. Other Agencies

c. Bureaucracy 12

1. Administration and Party
2. Wartime Administration

d. Judiciary and Law 18

1. Nazi Control of the Judiciary
2. The System of Nazi Courts
3. Nazi Law
4. The People and Nazi Justice
5. Developments in 1942

e. Political and Civil Rights 35

1. Suppression of Civil Rights
2. Definition of Citizenship
3. Restricted Citizenship in Incorporated Areas; Citizenship for Service in the Armed Forces, etc.

f. Provincial and Local Government 37

1. Structure
2. Gaue and Reichgaue
3. Nazification
4. Functions

Paragraph 28. The NSDAP 48

a. General Role 48
b. Numbers 49
c. Social and Age Composition 50
d. The Fuehrer 52
e. Rivalries and Party Discipline 52
f. Reich Leaders (Reichsleiter) and Gauleiter . 55
g. Regional Organization 58
h. Techniques of Nazi Control of the People . . 60
i. Functional Organizations 62
j. SA 64
k. NSKK 69

Page

l. NSFK 72
m. RAD 74

1. General
2. Men
3. Girls

n. Party and State 79
o. Party and Army 80

1. 1918-1933
2. 1933-1939
3. The War

Paragraph 29. The Rules of Germany 88

a. Introduction 88
b. Emergence of the Ruling Group 89
c. Consolidation of the Ruling Group 90
d. Agencies of Control 92
e. Rulers and Ruled 93
f. Persistence and Weakness of Old Affiliations 93
g. Power Politics 94
h. All in the Same Boat 96

Paragraph 30. Stability of the Regime 99

a. General Remarks 99
b. Latent Anti-Nazi Forces 99
c. 1942-1943 101
d. Obstacles to a Revolution from Within . . . 102

Paragraph 31. Foreign Policies 104

a. Basic Ideas 104

1. Nazification of the Foreign Office
2. Rejection of International Law
3. Methods
4. Germans Abroad

b. Relations with Italy 108

1. Hungary, Roumania and Bulgaria

c. Attitude toward the United States 109
d. Sentiment in Occupied Countries 110

TABLE OF PRINCIPAL CHARTS AND MAPS

		Page
Map:	Major Political Divisions of Greater Germany, January, 1943	following 37
Chart:	Relation of Reich and Local Governments	following 40
Chart:	National Socialist German Labor Party	following 47
Table:	Reichstag Elections	98
Chart:	Foreign Organization of the NSDAP . .	facing 106

APPENDICES

I. Structure of the German Government
II. Structure of the NSDAP
III. Gauleiter and Reich Governors
IV. Biographies of Nazi Political Leaders

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ADDITIONS AND CORRECTIONS

(as available to August 1943)

The Berlin radio broadcast on August 24, 1943 that Hitler had made the following changes:

1. Freiherr Konstantin von Neurath has been relieved of his postion as Reich Protector of Bohemia-Moravia. His successor in this position is Wilhelm Frick, who in turn has been relieved of his positions as Reich and Prussian Minister of the Interior and Commissioner General for Reich Administration. Von Neurath and Frick continue to be Reich Ministers.

The assignment of Kurt Daluege as Acting Deputy Reich Protector of Bohemia-Moravia has been terminated (Daluege remains SS Supreme Group Leader and Colonel General of Police).

Karl Hermann Frank has been promoted from Secretary of State to Minister of State in the Protectorate of Bohemia-Moravia, with the rank of a Reich Minister.

2. Heinrich Himmler has succeeded Frick as Reich and Prussian Minister of Interior and as Commissioner General for Reich Administration on the Ministerial Council for Reich Defense.

Hans Pfundtner, Leading Secretary of State in the Ministry of Interior, has been placed "at disposition" at his own request.

3. The Reich Labor Service has been removed from the Ministry of Interior. The Reich Labor Leader, Konstantin Hierl, has been made immediately responsible to the Fuehrer with the title, rank and function of a Reich Minister.

(19713)

Page 22

A decree published July 2, 1943 stipulates that Jews need no longer be tried by courts but may be tried by the police, which thus have been authorized to act as judges in criminal cases. This merely "legalizes" what has long been an established practice.

Map following Page 36

(1) A semi-official German map of July 1943 has Alsace, Lorraine and Luxembourg within the Reich frontier, but Oberkrain, Untersteiermark and Bialystok outside it. (2) Bialystok is not fully incorporated in Ostprousson but has approximately the same relation to Ostprousson for administrative and party purposes as Alsace has to Baden, excepting the aforementioned difference in status with regard to the Reich frontier. (3) The capital of Gau Moselland is Koblenz instead of Trier; that of Gau Westmark is Neustadt a.d.W. instead of Saarbrücken.

Chart facing Page 41

The chief state official in each Rural County (Landkreis) is known as a Land Councillor (Landrat), i.e. the title does not vary as the chart indicates.

Page 42

Exceptions to the statement that in the Reichsgaue, the boundaries of Reich and party organizations coincide, should be noted in the cases of the Sudetenland, Oberdonau and Niederdonau insofar as adjacent parts of the Protectorate are attached for party purposes, not for administration, to each of these Reichsgaue (also to the Gau Bayreuth).

Page 45

In the Reichsgau Danzig-Westpreussen and in the Reichsgau Wartheland, the Reich Governor has been given authority even in the administration of Post, Railways, Finance, Justice, and Propaganda, subject, of course, to the respective Berlin ministries.

Pages 43/44

The following groups of Gaue are combined each in a single Economic District (Wirtschaftsbezirk): Ost-Hannover and Sued-Hannover Braunschweig; Essen and Duesseldorf; Westfalen-Nord and Westfalen-Sued; Magdeburg-Anhalt and Halle-Merseburg; Mainfranken, Franken and Bayreuth; Schwaben and Muenchen-Oberbayern; Oberdonau, Niederdonau and Wien; Tirol-Vorarlberg, Salzburg, Steiermark and Kaernten.

Page 44 and Appendix I, pages 14/15

According to an order of late July 1943, the Regional Labor Exchanges (Landesarbeitsaemter) are to be transferred not to the Economic Districts but to the Gaue, thus becoming Gauarbeitsaemter. Likewise, every Gau will have its Reich Labor Trustee (Reichstreuhaender der Arbeit), who will also head the Gau Labor Office, thus regularizing the personal union of these two offices which had already taken place in a number of instances.

Page 46

By edict of the Fuehrer (Fuehrererlass) of August 26, 1939, concerning the simplification of administration for war purposes, the distinction between functions exercised by the local government as an agent of the state government and those

exercised directly on behalf of the local community, which had already become practically meaningless under the Nazi regime, was formally abolished. All local governments are now agents of the state government which can give them directives in all matters, including the former Selbstverwaltungsangelegenheiten.

Page 56 — The NS Jahrbuch 1942 (page 167) expressly states that Bormann has been given all those powers which previous laws, decrees, edicts, and other regulations had conferred upon the deputy-leader of the party, with respect to participation in legislation and administration as well as membership in the Reich Cabinet and the Reich Defense Council.

Page 65 and Appendix II, page 5. — SA Senior Group Leader Wilhelm Schepmann, hitherto in command of SA Group Saxony was appointed acting Chief of Staff of the SA in place of Lutze in mid-August 1943.

Appendix I, pages 8/9 — Reich Ministry for National Enlightenment and Propaganda:

Chief of Department VIa: Bade (not Rade)

Chief of Department VIII: Mahlo (not Marlo)

Appendix I, page 10 — Reich Ministry of Finance: The District Finance Offices are no longer called Landesfinanzaemter, but Oberfinanzpraesidien. The Oberfinanzpraesidien Thueringen and Karlsbad have been abolished as of March 1, 1943. Senior Finance President of Hamburg

(19713)

is Dr. Scholl; of Oberdonau, Dr. Schoen.

Seat of Finance District Westmark is Saarbruecken.

Appendix I, pages 11/12

Reich Ministry of Justice: There are a few changes in the presidencies of Superior Provincial Courts. President at Koeln is Lawall; at Linz, Pollan; at Nuernberg, Emmert.

Appendix I, page 13

Reich Ministry of Economic Affairs: The Reichsaufsichtsamt fuer Privatversicherung is now called Reichsaufsichtsamt fuer Versicherungswesen (Reich Office for Supervision of Insurance), because its tasks now include supervision of public insurance institutions (except Reich institutions).

Appendix I, pages 17/18

Reich Post Ministry: The Reich Postal Districts of Karlsbad, Kassel, Oldenburg, and Trier have been abolished in 1943. There have been some changes in the personnel of the Directors: Director at Berlin is Timm; at Bamberg, Ritter von Ottnad; at Koeslin, Frahm; at Leipzig, Kroell; at Stettin, Goering (transferred from Danzig); the name of the Reichspostdirektor at Erfurt is Wildberger (not Wildenberger).

Appendix II, page 5

Reich Labor Service: Holland: Bethmann (not Gretschmann); Slovakia: Lukesch (not Prager); Croatia: von Halle (not von Haller).

(19713)

Appendix II, page 10

Activity Sphere "Netherlands": Dienstleiter Willi Ritterbusch has been appointed successor to Fritz Schmidt as "commissar-general for special tasks" under Seyss-Inquart, Reich Commissar of Holland. Since Schmidt was also Leader of the NSDAP Activity Sphere "Netherlands", it is likely that Ritterbusch has succeeded him in the latter position also.

27. Government

a. General Characteristics: the Fuehrer

The government of Germany today approximates a dictatorship by the Nazi party. This dictatorship is centered in Adolf Hitler, who is "Fuehrer of the nation, Supreme Commander of the Armed Forces, Head of the government and Supreme Executive, Supreme Judge and Leader of the party . . . ." 1/ By virtue of his supreme authority, the Leader can dispense with existing standards and substitute new law in any particular case. The Nazis boast that

> "Such a constitutional law as that of the new Reich does not exist anywhere else in the world. . It is determined only for the German people, because it corresponds to their natural order." 2/

Few will wish to dispute this boast, or another, namely that the absence of a written constitution has the advantage "that the basic principles do not become rigid but remain in a constant living movement." Such flexibility permits also a variety of explanations as to the source of the supreme power of the Fuehrer. Some would find it in a mystical identification of the Fuehrer with the collective will of the German people. 3/ More prosaic is the fact that Hitler is the unchallenged head both of the Nazi party and of the German government. While the party has inexorably extended its control over the government, the process of absorption is not yet complete. For instance, Hitler's speech to the Reichstag on April 26, 1942 testified to the survival of some vestiges of independence in the judiciary. But party and government now coincide at many points, and both have a common center in the Fuehrer.

Command of party and government, and thereby of the German people; the obliteration of organized opposition, actual or potential; skillful manipulation of the several groups in German society; and the twin instruments of propaganda and

terror - these have combined to concentrate "all public authority in his (Hitler's) hand." From him, i.e. always from the top down in accordance with the leadership principle (Fuehrerprinzip), authority in the several spheres of government is delegated to others. Time was when the legislative power in Germany resided in the elected representatives of the people, the Reichstag. Now, even more than in former absolutisms, the will of the Fuehrer is the law of the land, while the Reichstag is reduced to a mere puppet show. From 1933 to 1939, the legislative will of the Fuehrer was often exercised by the Cabinet (Reichsregierung). On the eve of the war, its exercise was entrusted to a small inner ring, the Ministerial Council for Defense of the Reich (Ministerrat für die Reichsverteidigung). In similar accordance with the leadership principle, the elaborate structure of German administration is controlled by delegation of power from the Leader downward. Ministers, Reich Governors (Reichsstatthalter), District Presidents (Regierungspräsidenten), Mayors (Burgermeister) and other officials are but the agents of the supreme executive authority of the Fuehrer. Such government offices, and others, are often conferred on party members, thus extending the sphere of control of the NSDAP (Nationalsozialistische Deutsche Arbeiterpartei - National Socialist German Workers' Party) by the device of personal union. There is no division of governmental functions. The executive, the legislative and the judicial branches of government have become one and the same. Whatever remained in 1933 of the autonomy of state, province or town has yielded, or is in process of yielding, to rigorous centralization beneath the Fuehrer's party machine. No popular representation, no free expression of public opinion in speech or press or assembly remains to control or challenge its will. On the other hand, the complicated network of the party is a refined mechanism for the

measurement of public opinion. Discussion and criticism do take place within the party.

Hitler's major, and in fact, exclusive aim has been power -- power over Germany, Greater Germany, and in world affairs. Machiavelli taught that a statesman should use evil means as well as good to maintain himself in power, but Machiavelli did not deny that there was a distinction between good and evil just the same. In Hitler's philosophy this distinction has lost its meaning. "Good is what furthers the national well-being" is advice given to all Nazi office-holders, and whether the convictions of his opponents and enemies are honest and sincere does not affect the ruthlessness of Nazi counter-measures. Success in the expansion of power is the only abiding law of Nazi rule and all the institutions which they have created to control Germany and the territories under their heels would be unhesitatingly abolished or altered if they proved inadequate for the maintenance of their grip.

The general trend of Hitler's policy after 1933 has been toward a complete centralization of governmental control in his own hands. This does not mean that he actually makes all the decisions himself. Being a moody, nervous, and highly excitable person, who has never in his life been used to regular work, he leaves the mass of detailed decisions to his underlings and reserves for himself merely those questions which seem most essential at a given moment. There are exceptions to this rule. As a frustrated artist, he feels that no decision on building projects can be reached without him, and naturally enough he has given German rearmament and military strategy close attention. In the political realm, however, some of his lieutenants are trusted to decide questions by themselves. How far Hitler really trusts them is hard to say. However, he has never built up one individual,

other than Adolf Hitler, but has always divided authority among four or five. Apparently he has not felt bothered about their mutual relationship. In fact, he has tolerated an amazing amount of warfare among his chief lieutenants. The policy of divide and conquer which he has applied so successfully in the international field has been his guide in internal affairs as well. If the enmities between his substitute bosses too irksome, or begin to imperil the smooth working of the Nazi machine, Hitler hurls his thunderbolts, and some of his subordinates may find themselves deprived of their positions. With the exception of the blood purge of 1934, however, Hitler has usually avoided taking drastic steps against his old-time collaborators. He has usually left them their rank and position, possibly even their offices, but has merely switched authority from one agency to another. The turn-over of personnel has not been great. Not even a system like the changing of the guards which Mussolini inaugurated in Fascist Italy has been followed in Nazi Germany.

The subordination to Hitler and the NSDAP has not yet achieved totality. In the bureaucracy as in the judiciary, some members, trained in previous regimes, maintain what they can of former standards and traditions. Despite the indoctrination of the armed forces with National Socialism, which contributes to rendering illusory any hope of a cleavage between Wehrmacht and party, the latter has not yet succeeded in gaining full control of the former. Social, religious and regional antagonisms to Nazi domination survive, even if generally reduced to silence. Since the spring of 1942 there has been much evidence of Nazi determination to complete the process of absorption.

b. Central Government

(1) The Ministerial Council for Defense of the Reich (Ministerrat fuer die Reichsverteidigung). Germany made the transition from peace to war conditions without any major reorganization. The machinery for the conduct of the war, administrative, economic and military, had not been merely planned; it was in actual operation. Only a few simple steps were needed to complete the structure of wartime government. As the storm gathered over Poland, Funk, Minister for Economic Affairs, was appointed Commissioner General for Economic Affairs (Generalbevollmächtigter fuer die Wirtschaft). Frick, Minister of the Interior, became Commissioner General for Administration (Verwaltung), with Himmler as deputy. Each was given authority over the other ministries within the province of his new position. Then on August 30, 1939, the Fuehrer decreed the establishment of the Ministerial Council for Defense of the Reich. This Council has six members: as chairman, Reich Marshal and Delegate for the Four Year Plan, Goering; the leader of the Party Chancellery, Martin Bormann, who took the seat of Rudolf Hess; the Commissioners General for Administration and Economic Affairs, Frick and Funk; the Chief of the Reich Chancellery, Lammers; and the Chief of the High Command of the Armed Forces, Keitel. The Council was to make for speed of decision and execution by the concentration of authority. It was to free the Fuehrer from administrative detail and allow him to concentrate on broad military and political problems. Established as a general staff for civil defense and economic affairs, it has become, next to the Fuehrer, the most important institution in Germany.

For practical purposes, the Council has deprived the Cabinet of the legislative power, in which the Cabinet had in 1933 displaced the Reichstag. The decrees of the Council

have the force of law, and do not even have to be countersigned by the Fuehrer. Since the Council cannot attend to all details, these are normally left to executive decrees of the minister in whose sphere a particular matter falls. But the authority of the ministers to issue executive decrees is much narrower than that of the Council, or even of a part of it. Goering, Frick and Funk may, each in his own domain but with the consent of the other two and with that of Keitel, issue executive decrees that may even contravene existing legislation. In this manner they have altered the Penal Code and the Code of Civil Procedure. Even this development, however, is not the last in the process of concentrating legislative power. In January 1941, the Fuehrer issued an edict empowering the Reich Marshal independently to enact any legislation or administrative decree that he deemed necessary for air-raid protection. This enabling edict goes further than any issued hitherto.

With this legislative power, members of the Ministerial Council unite executive power also. Four of its members exercise wide administrative authority: Goering over the Air Force, the Four Year Plan, and the Forestry Office; Frick and Funk over their respective ministries and the other ministries within their spheres as Commissioners General; and Keitel over the Armed Forces.

The concentration of political power has not stopped short at the top, but has also been extended to the regional level. On September 1, 1939, the Ministerial Council appointed a Reich Defense Commissioner (Reichsverteidigungskommissar) at the seat of command of each of the Corps Areas (Wekrkreise). By decree of November 16, 1942, the party Gaue displaced the Corps Areas as Reich Defense Districts (Reichsverteidigungs-bezirke). The Commissioners are the regional executive agents

of the Ministerial Council. Their function is the coordination of civil defense measures, in effecting which they are authorized to give orders to every administrative agency in their areas, unless exempted.

Furthermore, by a series of decrees, judicial restrictions upon the authoritarian power of the administrative agencies have been largely abolished. Thus, in reality, the power of the Ministerial Council and its subordinate agencies is unrestrained and unlimited. It is subject to no institutional control. During the present war, the reality of the totalitarian state has, therefore, been extended to such a degree that there can hardly be any scope for further extension.4/

The personnel of the Ministerial Council and of the Reich Commissioners illustrates the strengthening of the Nazi grip upon the governmental machine. They knew that war brings risks for the party in power. Therefore only men were placed on the Council whose loyalty could be counted upon in case of an emergency. Of the six members, four are Nazi stalwarts, Goering, Hess or Bormann, Frick and Funk. Lammers entered government service before 1914, but is now a member of the NSDAP and an SS Senior Group Leader. The sixth, Marshal Keitel, was appointed by Hitler in February 1938 to be Chief of the High Command of the Armed Forces. Moreover, from September 1939 to November 1942, all of the Reich Defense Commissioners were Gauleiter, i.e. leaders of districts of the NSDAP. Since November 1942, every Gauleiter is a Reich Defense Commissioner. Party control could hardly go further.

(2) Privy Cabinet Council (Geheimer Kabinettsrat).

The Ministerial Council has eclipsed the Privy Cabinet Council. The latter was never anything more than window-dressing. When the army command was purged in February 1938 (see Paragraph 28), Ribbentrop succeeded in displacing von Neurath, Hitler's

conservative stalking-horse in the Foreign Ministry and liaison man with the old guard in the army. Wishing to retain this contact and also to soothe foreign opinion, Hitler established the Privy Council under the presidency of von Neurath "to advise me in the conduct of foreign policy."5/ It has hardly been heard of since.

(3) The Reichstag. The legislative power, now exercised by the Ministerial Council, had passed from the Reichstag to the Cabinet in 1933. In the intervening years, the Reichstag has become a farce. From 1933 to 1939, years when Germany was being transformed, less than fifteen meetings were held. Their only purpose is a ceremonial demonstration of support for a decision already taken by the Fuehrer. The ceremony itself has been conventionalized. The hand-picked deputies assemble, are harangued, rise at a given signal in unanimous vote for whatever has been proposed, sing the Horst Wessel song and Deutschland über Alles and are sent home. For this service, they are paid $240. per month. Apparently, even the deputies tire of the parody, for the session at the outbreak of war on September 1, 1939, was attended by only one hundred, while the remaining seats were filled at random with party officials.6/

Nazi theory concedes that neither the Reichstag nor the occasional plebiscites can give rise to any law or decision as expressions of the will of the people. This will has already been divined, indeed brought to consciousness, by the Fuehrer. Reichstag and plegiscite can at most record popular agreement, the absence of which does not matter.7/

(4) Electoral System. The circumstances of voting are such that it is absurd to regard either plebiscite or Reichstag election or vote as expressions of popular opinion. Nominally, the suffrage is still universal, equal and secret

as under the Republic. Voters are German nationals of German or related blood; non-Aryans are excluded. One Reichstag deputy is allotted for each 60,000 voters, and as Germany expanded, deputies have appeared from the newly acquired territories, being appointed by Hitler from party-members pending an election. At election or plebiscite, absence from the polls is considered opposition to the regime and dealt with accordingly. Hence participation approaches one hundred percent. For both plebiscites and elections, occasions have been chosen, such as the annexation of Austria in 1938, when national feeling would prompt acquiescence with the regime even from dissenters. For plebiscites, the questions are skillfully worded. For the elections, the NSDAP, the only party, has a monopoly on the selection of candidates. The ballot itself affords no opportunity to dissent from the regime. When all these methods failed to produce unanimous support, the Nazis have resorted to breach of the secrecy of the poll, coercion, and falsification of the returns. That the percentage of favorable votes should, under these circumstances, have reached 99.57% in 1938, is neither surprising nor very significant.8/ (See par. 30).

(5) The Cabinet (Reichsregierung). The elevation of Frick and Funk to the rank of Commissioner General and the development of the Ministerial Council have further reduced the stature of the Cabinet, a process already well under way in 1939. Under Hitler, the Cabinet has ceased to be such in any real meaning of the term. The ministers are mere administrative agents of the executive power of the Fuehrer, appointed and dismissed at his pleasure. Since there is no collective responsibility, and inasmuch as Hitler prefers to consult his ministers singly, Cabinet meetings are rarely convoked. Hence the right to attend Cabinet meetings appears to be of little

importance, particularly for the Ministers without Portfolio. Schacht, at least, has testified to this in his own case.9/ On the other hand, the fact that Himmler is entitled to participate in Cabinet discussions on police affairs suggests some independence from his nominal superior, Interior Minister Frick.

(6) Ministeries and Reich Commissioners. Of the thirteen heads of ministries - omitting the Ministry for Religious Affairs, which is vacant, the Armed Forces and the Chancellery - ten are prominent Nazis. The exceptions are in the Ministries of Finance, Transport and Post. At least in the last two of these, the technical ability of the incumbents has evidently outweighted the claims of party. Again omitting the Armed Forces, the NSDAP claims at least twenty-one of the twenty-seven who are entitled to attend Cabinet meetings regularly or occasionally. Hitler and Goering account for two of the twenty-one; ten are Reich Leaders of the NSDAP, this party position paralleling that of Reich Minister. In several instances - e.g. Goebbels, Ribbentrop, Bohle - parallel posts are held in government and party.

Until 1933 and even 1939, despite the intensified centralization under Hitler, the German ministries varies widely in the matter of regional and local administrative apparatus. At the outbreak of war, unlike the Ministries of Finance, Justice and Labor, those for Economic Affairs and for Food and Agriculture lacked regional and local machinery for the carrying out of their policies. War strengthened the trend toward centralization, causing these gaps to be filled. This has been achieved in part by subordinating to the Ministry for Economic Affairs the quasi-private Organization of Industry (Organization der gewerblichen Wirtschaft) and to that for Food and Agriculture, the Reich Food Estate (Reichsnährstand).

The abolition of judicial restrictions has increased the administrative power wielded by individual ministers, though always subject to the Fuehrer. But in addition to the reduced importance of the Cabinet as such, the influence of several of the regular ministries has been adversely affected by the appointment of Reich Commissioners.

These officials are directly responsible to Hitler. The most important is the Four Year Plan under Goering as Delegate (Beauftragter fuer den Vierjahresplan). This is a planning agency, which must rely on the ministries for the execution of its designs. However Departments III and V of the Ministry of Labor have been transferred to Sauckel in his capacity as Commissioner General for the Allocation of Labor in the Four Year Plan. The Ministry of Labor has also been deprived of Department IV, which is now subject to Robert Ley as Reich Commissar for Housing. Another of many such instances of the supercession of the regular administrative system is provided by Hitler's appointment of one Brandt as Delegate General for Medical and Health Services.

Also immediately subordinate to the Fuehrer are the officials charged with the administration of occupied areas such as the Reich Commissar for the Occupied Norwegian (or Dutch) Territory, and the Chiefs of Civil Administration in Alsace, Lorraine and Luxemburg.

In contrast, however, with the Governors of our states, the Reich Governors (Reichsstatthalter) of the German states - Hitler is Reich Governor of Prussia - are subordinated to the Central Government, the Ministry of the Interior being particularly, though not exclusively, charged with their direction.

(7) Other Agencies. As in the United States, there are numerous agencies, which are more or less complete units

in themselves but are attached in varying degrees of subordination to one or the other of the ministries. The functions of the National Bureau of Standards in our Department of Commerce, for example, are carried on among other activities by the Physikalisch-Technische Reichsanstalt in the Reich Ministry for Science, Education and National Culture. Similarly, there are in Germany a number of agencies which are comparable to our Interstate Commerce Commission in the fact that they embrace the whole country but are not subordinated to any ministry. The aforementioned Four Year Plan is a special case. A better illustration is offered by the Rechnungshof, which may be compared with the General Accounting Office of the Comptroller General in the United States.

c. The Bureaucracy

(1) Administration and Party. Since the eighteenth century, the bureaucracy has been one of the main pillars of the state, first in Prussia, then in the German Empire and Republic. The German bureaucracy has not escaped the red tape of its counterparts elsewhere, nor a deference for rank and title so exaggerated as to occasion much amusement abroad. On the other hand, few bureaucracies have as much to their credit in the way of honest, efficient service and, more than once, of fundamental progressive reform. Before 1914, however, liberal elements had been largely eliminated from the German civil service. This contributed in some measure to the downfall of the Weimar Republic, which unwisely continued to utilize the services of many experienced civil servants who were hostile to the Republic. Not a few of these remain in the office today. Under the NSDAP, the bureaucracy has grown in size, while the Nazis have penetrated its ranks in increasing numbers. The war has accelerated both the increase and the Nazi penetration. While many exceptions remain,

especially in the higher ranks of the bureaucracy, and assertions of its independence are still made, it is clear that Nazi control of the civil service is growing, either by Nazification of the personnel or by direct or indirect pressure.

Not only does the NSDAP itself maintain an enormous body of officials, but the central government bureaucracy has also grown since 1933. This has resulted from the centralization in the Reich government of many tasks formerly left to the states and local communities, while the desire to reward party members has played its part. Established branches of the civil service have grown in size and new ones have been added, such as the Reich Labor Service and new economic organizations.

Fiction or fact, it is still maintained that the administration is independent of the party. This is best illustrated by the Anordnung über die Verwaltungsführung in den Landkreisen (regulation for the administration of the rural counties), December 28, 1939. According to this regulation, administrative responsibility rests exclusively with the Landrat (Land Councillor), who is not subject to any interference by party officials. The latter may only make suggestions. The function entrusted to the local party leader, on the other hand, is that of Menschenführung, leadership or manipulation of the people so as to strengthen their morale and ensure their loyalty to the Nazi regime. This division of function has been constantly emphasized. It is asserted that the prime function of the party is political and ideological leadership, not administration as such. During the war, it is contended, it is doubly important that, by standing aside from the administration, the party should retain an unbiased outlook so as to be able to act wherever the needs of the people are being jeopardised by bureaucrats.10/ This distinction of function between party and administration, however, has progressively yielded to

Nazi control over the civil service. In 1942 the party invaded the administrative sphere more than ever before.

By 1939, of the 1,500,000 civil servants, 28.2 percent or 423,000 belonged to the NSDAP. A large proportion of these were elementary school teachers, who in 1936 and 1937 provided no less than 22.9 percent or 160,000 of the 700,000 political functionaries of the party. The first step toward Nazification had been the purge, begun in 1933, of non-Aryan and politically unreliable elements. With this has been coupled a vigorous and continuous indoctrination of civil servants, which is carried on through the Association of German Officials and the Nazi cells within each agency or office. Such propaganda warns some to seek party membership; others it persuades or frightens into acting in accordance with the party line. It has been very successful with the younger generation, though apparently much less so with older civil servants. The device of personal union of government and party offices is widely employed. Equally important is the party's monopolization of new openings. From 1933 to 1936, there were 293 appointments to the post of Verwaltungsreferender, the first rung of the ladder of the higher bureaucracy. No less than 99 percent were members of the NSDAP or of its formations, the SA and SS, 66 percent having joined the party between 1922 and 1933. The legal basis for appointment was established by the Civil Service Act of January 26, 1937, which requires a civil servant to

> "'be guided in his whole conduct by the fact that the party, in indissoluble union with the people, is the bearer of the German idea of the state' and to denounce every person and every action that 'might endanger the position of the Reich or of the party.'"11/

In 1942, the NS Teachers' Association declared that the resignation of a civil servant from the party disqualified him for further employment by the state.12/

In 1942, the Nazification of the civil service was accelerated. Fritz Sauckel was appointed Commissioner General for the Allocation of Labor and Jakob Werlin, an old crony of Hitler's became Inspector General for Motor Transport. Six Nazi stalwarts (Speer, Rosenberg, Bormann, Ley, Backe and Sauckel) were appointed to the Advisory Council (Beirat) of the Reich Railways, in addition to other members of the ruling group.13/ The Ministry of Justice, which had been the most reactionary under the Republic and had previously experienced relatively few changes in personnel, was given a new Minister, Thierack, and a new Secretary of State, Rothenberger. Both had good party records, but, on the other hand, had entered the civil service in the early twenties. Their appointments, indeed, reflected a compromise between radical Nazis and older German judicial traditions (See d. 5). Moreover, the appointment of party members to important administrative posts was in itself nothing new. Something of a departure in principle did take place, however, with regard to the Gaue and Gauleiter of the NSDAP. In several important respects the former displaced older regional administrative units, while the latter assumed specific administrative functions (See f.2). With these innovations, the distinction between administration and party lost much of its meaning, although it may still be enunciated.

By the spring of 1942, the point had been reached where the Leading Secretary of State in the Reich Ministry of the Interior, Pfundtner, could write:

> "The German official must be National Socialist and must belong or have belonged to the party or to one of its formations."14/

Pfundtner's dictum cannot be taken without qualifications, particularly in the case of the higher civil servants in several ministries. To be sure, several of the Secretaries

of State are new: Rothenberger for Justice, Fritz Reinhardt for Finance, Stuckart for the Interior, Backe, now Acting Minister for Food and Agriculture. But the ministerial bureaucracy still contains a large number of functionaries holding the same or higher positions than they held during the Republic. Their capacity and experience would make their replacement difficult and they make at least enough obeisance to National Socialism to make replacement unnecessary.

To illustrate, the Ministries of Interior, Finance and Labor show some changes, but there persist in each many officials who were schooled in a tradition older than that of National Socialism. The structure of the Ministry for Economic Affairs has been thoroughly reorganized, resulting in a complete turnover at the top. Yet there are few genuine National Socialists in the ministry.15/ Friedrich-Walter Landfried, the Secretary of State under Nazi Funk, has been in the civil service since 1908, save for the years 1912 to 1920, when he was an army officer. Otto Meissner's career in the bureaucracy also began before 1914, and he now manages the Presidential Chancellery as capably for Hitler as he did for Ebert and for Hindenburg. Hans Heinrich Lammers, Chief of the Reich Chancellery and member of the Ministerial Council for Defense of the Reich, is now a Senior Group Leader in the SS, but in 1912 he was a county judge and by 1921, a Senior Government Councillor.

(2) Wartime Administration. The outbreak of war found the administration inadequately staffed to cope with the new and heavy pressure to which it was to be subjected. The decline in university study under Nazi auspices had reduced the number of adequately trained candidates for the civil service. Even before the war, the successive annexations of Austria, the Sudetenland and the Protectorate had so strained the supply of qualified civil servants that gaps had

begun to appear. Since the war began, military service has claimed 35-40 percent of the personnel. At the same time, the duties of the bureaucracy have multiplied. On the one hand, there have been the multifarious demands of civil defense and economic regulation, from the allocation of labor to rationing potatoes. In one Brandenburg district, the administrative staff has increased more than 20 percent. On the other hand, German conquests have greatly expanded the area to be administered. A single official often now carries a burden of work, which before the war was divided among two or three.

Various measures have been taken to meet this scarcity of trained officials. On the eve of the war and again in the spring of 1942, administrative procedure has been simplified. The responsibilities of subordinates have been increased in order to relieve their superiors. Holidays have been curtailed and hours lengthened to a minimum of fifty-six per week. In the spring of 1942 for the first time, certified economists (Diplomvolkswirte) were admitted to the higher branches of the civil service, hitherto reserved for men with legal training.16/ Strenuous efforts are being made to supply the deficiency of adequately schooled candidates. Pensioners have been recalled and retirements postponed, with bonuses offered as inducements. Officials and clerks in firms closed down by the war, as in the export business of Hamburg, have been drafted into the administration, especially in the East. The number of women officials has increased and their resignation is permitted only on certain conditions such as six months' pregnancy. Even men dismissed since 1933 have been reinstated. More party officials have been included in the administration, and the party itself has assumed definite administrative duties and powers, for example in police work and the rationing system. It is even reported that recruitment of Dutch civil servants for the Reich is under consideration.17/
(19713)

Boasts of the wartime achievements of the civil service are not uncommon and may not lack justification. Yet the dilution of personnel affects adversely the efficiency and honesty which are traditional in the German bureaucracy.18/ At the same time, the strains on it increase, as the Nazis themselves admit. There is as yet no substantial evidence of breakdown, yet it is one of the vulnerable points in the German machine which may be expected to weaken under added pressure.

d. Judiciary and Law

(1) Nazi Control of the Judiciary. National Socialism has reduced the independence of the judiciary. It is not that National Socialism rejects legality as such. On the contrary, it shares the excessive German respect for authority manifested in law.19/ Again and again, the Nazis have gone out of their way to cloak their activities beneath a pretense of legality. They have not hesitated even to invoke the Weimar Constitution, which they profess to despise. Generally speaking, however, it has been easier to evolve their own law. To facilitate the achievement of their ends, the Nazis have centralized the administration of justice. This was previously exercised by the several German states, but in 1934 was taken out of their hands by the Reich.

One obstacle to the Nazification of the German judiciary and law remains, as was indicated above, in the retention by pre-Nazi civil servants of many of the leading posts in the Ministry of Justice. By reason of their indispensable ability, strengthened by concern over popular respect for legality, these men have been left in their positions and even advanced by the Nazis. This does not mean that pre-1933 officials in the Ministry of Justice have not been more or less compliant with National Socialism.

The party has made serious inroads upon the judiciary. The purge in 1933 had less effect here than on other branches of the bureaucracy, "because the numbers of non-Aryans and genuine democrats among the judges had always been very small." But new appointments to the judicial ranks have been determined by the party. Moreover, the judge has been progressively deprived of the guarantees of his independence. In theory, he cannot be compelled to retire because of a decision he hands down. It is obviously impossible, however, to draw a clear-cut line between this theoretical guarantee and the fact that, like other civil servants, a judge may be retired or suspended if there is doubt that he is acting in the interest of the National Socialist state. In any case, the judge can count on the hostility of the SS organ, the Schwarze Korps, which singles out the judiciary as its favorite object of attack.

Supplementing Nazi influence on the judiciary is the NS Rechtswahrerbund (Guardians of the Law, including jurists, notaries and accountants). This association has more than 100,000 members.20/ No one may practice law in Germany who does not belong to it, and political conformity is a pre-requisite for membership. Until August 24, 1942, its head was Dr. Hans Frank, Nazi since the twenties, who was also president of the Akademie fuer Deutsches Recht and editor of Deutsches Recht. Frank's conception of the law may be gleaned from the following:

> "'Formerly we were of the opinion that right preceded might. Today we are all aware that might must precede in order to pave the way for the German law. Law is what is useful to the German nation.'"21/ "It is entirely clear that the position for example of the Poles in the Government General, of the French in the occupied territory, of the negroes in the colonies, or of any other people drawn directly or indirectly within the sphere of power of the Reich, will have to be investigated from the side of criminal law according to the viewpoint not only of the authority of the State but also of the primacy of the German people and its significance as a world empire."22/

A third Nazi device for prostituting the administration of justice has been the withdrawal of various types of cases

from the ordinary courts and entrusting them to extraordinary courts or agencies of Nazi creation. With this major qualification, there were until the war relatively few changes in the court system, despite its centralization in the Reich. At the apex is the Reich Supreme Court (Reichsgericht), Leipzig. Below this are 34 Superior State or Provincial Courts (Oberlandesgerichts), subordinate to which in turn are 197 District Courts (Landgerichte) and 2200 Local Courts (Amtsgerichte).23/ For the duration of the war, the operation of these ordinary courts has been simplified. For example, in criminal cases before the war, the Local Court sat either with a single judge or with a judge and two lay members (Schoeffen), according to the seriousness of the case. Now there is but one judge, whatever the circumstances. Like simplification has taken place in the courts at other levels, as in the Landgericht where jury trial has been suspended.24/ Procedure has been further simplified by widening the jurisdiction of the single judge and strengthening his authority to impose sentence in order to compensate for the reduction of the number of available officials by the war.25/ For the same reason, the courts have been ordered to postpone until after the war the consideration of civil cases which are not important to prosecution of the war.26/

It should be said that some of the ordinary courts have tried to preserve the fabric of justice as they received it. Attempts have been made to protect the churches, to restrain the discretionary power of the police, and even to entertain claims for "'illegal acts committed in connection with the National Socialist revolution.'" The reward has been the creation of new courts and jurisdictions, which could be counted on not to show such temerity. In order to transfer a case from an ordinary court to an extraordinary tribunal, it is necessary only to have it declared a "political" case. Accordingly this category has been remarkably stretched, the courts themselves

assisting in the process so that risky questions might be shifted to other shoulders. A Prussian court has held that even traffic regulations have a political character, declaring that "in the struggle for self-preservation which the German people are waging, there are no longer any aspects of life which are non-political."27/

(2) The System of Nazi Courts. The most conspicuous of the new agencies of Nazi justice is the Peoples' Court (Volksgerichtshof). Established in 1934 for cases of high treason, which were thereby removed from the jurisdiction of the Reich Supreme Court, the competence of the Peoples' Court has now been extended to include also (1) attacks on members of the Reich Government; (2) damaging means of defense (Wehrmittelbeschädigung); (3) sabotage. In short, the court supports the work of the Gestapo in ferreting out opposition. Four chambers (Senate) have been established, perhaps to correspond with the four types of cases enumerated above. The court sits with five members, only two of which need be from the ranks of the judiciary. The majority of three are appointed by Hitler, at the suggestion of the Minister of Justice, from among the Elite Guard and the party hierarchy "'because of their special knowledge in the defense against subversive activities or because they are intimately connected with the political trends of the nation.'" The accused has no right to select counsel, produce evidence or appeal. Proceedings are secret and only the crimson-red posters eventually announce the execution of the convicted.

On a lower level than the Peoples' Court, Special Courts (Sondergerichte) were established on March 21, 1933, to deal with offenses against Hindenburg's decree of February 28, 1933, "for the protection of the People and the State." Otherwise known as the "Reichstag fire decree" (See c), this introduced the death penalty for a number of common crimes as well as for armed resistance and attacks on members of the

governments of the Reich or the states. The jurisdiction of the Special Courts has now been so extended - it includes offenses against the party uniforms - that the public prosecutor may bring practically any case he wishes before them. Many of the severe penalties for "black market" offenses are pronounced by the Special Courts. Their procedure is summary in certain cases, but, at least until the war, each Special Court was constituted of three judges and there was a limited right of appeal.28/

But there is no right of appeal against the Gestapo. The power to take persons into "protective custody" goes back to the Reichstag fire decree, which was designed to protect the state "'against communistic state-endangering acts of violence.'" At first some judges attempted to restrain the police within the limits of this phraseology, but without avail. The absolute and arbitrary power of the Gestapo over all personal liberties is not disputed by any court today. They may take anyone into protective custody, that is, send him to a concentration camp, for as long a time as they please - even if a criminal court had previously absolved him of guilt or if he had already served his sentence in prison. Nor does the power of the Gestapo stop short of execution without judicial decision, as may be seen from the not infrequent appearance in the German press of such phrases as "shot while trying to escape" or "shot because of resistance."

Numerous other special courts and tribunals have been created for specific cases and for specific strata of the population. In addition to the state, party, army and industry, each has an extensive judicial system of its own, with statutes, courts and bailiffs. Nothing expresses so well the complete denial of the universality of law or illustrates so effectively the Nazi technique of treating each concrete situation and group differently so as to manipulate them at will.

There are separate disciplinary courts for the party, for the SA, for the SS, for the Labor Front. There are social honor courts for employers and employees and disciplinary courts for business. The Labor Service has its own courts.

(3) Nazi Law. Progressive Nazification of personnel and undermining of the independence of the judiciary; control of the lawyers through the Rechtswahrerbund; disintegration of the traditional court system through the establishment of extraordinary courts and summary procedures under party control - it is under such pressures that Nazi law has evolved. "The principles of National Socialism are immediately and exclusively valid for the application and administration of general standards of conduct through the judge, attorney, or teacher of law."29/

It is hardly necessary to state that National Socialism does not recognize judicial review. The whole attitude toward the Weimar Constitution is a curious mixture. The constitution has never been formally repudiated. Nor do the Nazis hesitate to invoke its provisions when it suits their purposes, though such provisions are held to have taken on an entirely new meaning by incorporation in the Nazi system.30/ On the other hand, the constitution itself is a favorite subject of scorn, and the courts have joined in the assaults upon it. In 1935, a Dresden court asserted that "the Constitution is amendable by administrative decrees and similar measures." A year later, a Prussian court ruled as follows:

> "Article 129, sentence 3 of the Weimar Constitution entitles the civil servant to examine his official record. This provision is in contradiction to the National Socialist conception of the relationship between civil servant and state, and, without special legislation, is therefore no longer in force. The leadership principle does not admit the questioning and criticism of the rulings of his superiors by the civil servant."31/

Thus Mein Kampf replaces the constitution as a criterion of law.

Although comparatively few complaints have been heard about the administration of justice in civil matters, serious inroads have been made here also. The Nazis have claimed and exercised a revolutionary right to seize the property, as well as the lives of defeated opponents, and the courts have supported them. Furthermore, they have developed a conception of property, by which they can justify the seizure of any property they wish. Repudiating the liberal idea of ownership in fee simple, they declare that property is a public trust, held by the individual only so long as he uses it to the best advantage of the German people. The democratic foes of Germany would differ from this doctrine per se only in degree. But the Nazis have stripped from its application the safeguards of popular government, common law and judicial procedure, which the democracies maintain. In Germany, the Nazis - and this may mean one influential Nazi - can decide arbitrarily what constitutes the best advantage of the German people and when it is being violated, i. e. when private property can be seized. The decision, claims a high Nazi official, is an act of administration and not a matter for the courts.32/ The spoils system thereby enters the domain of private property.

The acts of party officials remain a disputed zone between the judiciary and the NSDAP. In 1939, the Supreme Court upheld the right of the courts to rule upon the civil and criminal responsibility of officials of the party.33/ But the party opposes the intrusion and has found judges who are amenable to its wishes. One court, for instance, ruled that "an official act does not fall within the jurisdiction of ordinary courts merely because it arose from unjustifiable motives."34/ When party members do not escape the courts entirely, they are often more lightly treated.35/

Although some judges have tried to protect the churches, others have supported the Nazi attack, aided by a generous interpretation of what would aid Communism. This has provided reasons (1) for punishing members of a Catholic Youth organization for participation in hiking and athletics; (2) for condemning a Protestant pastor for criticizing a pagan group using the name of the German Christians.36/

The courts have applied Nazi policies against the family as against the churches. But it is in the field of criminal law that the Nazis have most clearly, in keeping with the nature of National Socialism, broken with the traditions of civilized justice. Little is left of the principle of nulla poena sine lege, nullum crimen sine lege (no punishment without a law and no crime without a law), the basic formula of any legal system. For this the Nazis have substituted nullum crimen sine poena (no crime without punishment). And since the crime need not have been defined in law either at the time of, or subsequent to, its commission, what then constitutes a crime? " . . . a deed can be punished in spite of the fact that the law has not defined it as punishable if the doer deserves punishment according to the basic idea of a penal law and the sound feeling of the people (nach dem Grundgedanken eines Strafgesetzes und nach dem gesunden Volksempfinden)."37/ No comment is necessary on the power thereby given the judge, who decides what is "the sound feeling of the people."

Furthermore, Nazi justice aims less at the crime than at the criminal. Death sentences have been carried out for comparatively mild offenses when the criminal could be shown to be dangerous to society as an habitual criminal. It has been pointed out in Deutsche Justiz that repeated thefts of a bicycle could bring a man to the block. The principle of

trying the offender rather than the offense makes it possible to give different individuals different sentences for the same offense. Taken in conjunction with the Nazi hierarchy of races, this has resulted in more severe punishment of foreigners than of Germans who have committed the identical crime.38/

All these developments have been accelerated since the outbreak of the war. A decree of September 11, 1939 created a division within the Reich Supreme Court before which the public prosecutor may, on order of the leader, bring any criminal case he deems sufficiently important to warrant skipping the lower courts. He may also request this special division to reopen any case (unless tried by the Peoples' Court) within a year after the decision has become final, if the leadership has serious objections to the judgment. Such a request is mandatory upon the court, so that it is the prosecutor who actually determines the final judgment, usually capital punishment. The rights of defense counsel have been virtually abolished and criminal law has been brutalized even against juveniles (October 4, 1939). Many new crimes have been created, with capital punishment the rule.39/

Nazi belief in the sovereignty of race leads directly to the effort to subject all racial Germans, whatever their citizenship or whatever their residence, to Nazi law. In May 1940, the Ministerial Council for Defense of the Reich even ventured the legal innovation of decreeing that foreigners living abroad are liable to the German law of high treason against the Reich. Although designed primarily for application in occupied territories which are not yet formally incorporated in the Reich, this decree would make an American citizen who has advocated anti-Nazi policies liable to prosecution for treason if captured.40/

The Nazification of German justice is designed, at least in part, as an instrument of propaganda and terror. Court reports are largely controlled by the Ministry of Propaganda. Its decision as to which trials may or may not be reported is absolute, and it dictates also the lines to be followed in reporting a particular case.[41] The secret procedure of the extraordinary courts, the brutality and the flamboyant announcement of executions are obviously calculated to inspire fear.

(4) The People and Nazi Justice. Nazi perversion of justice is keenly felt by the friends and relatives of its victims and by the more educated Germans who are concerned with its legal and constitutional implications. But the majority of cases brought before German courts are without political significance and the adjudication of such cases seems to be generally satisfactory, even under National Socialism. Likewise the police are generally efficient and impartial in maintaining public order and combating criminality, except where important National Socialist interests are involved, e. g. the destruction of Jewish property. Hence the mass of the people has been relatively unaffected by, and remains comparatively indifferent to, Nazification of the administration of justice. Insofar as it is conscious of legal insecurity, it has tended to develop inhibitions (e.g. the deutsche Blick, extreme caution of expression in public places) or to become calloused. Because of the complexity of the written law, some Germans doubtless welcome the reliance on "the sound feeling of the people" as a criterion of justice.

(5) Developments in 1942. By the third spring of war, a critical situation had arisen in the German administration of justice by reason of the conflect between Nazi

principles and practices and older standards. One purpose of the Nazis upon their assumption of power in 1933 had been the introduction of a harder and more ruthless justice. Obstacles were encountered, however, such as the penal code (Strafgesetzbuch) of the Second Empire, which remained in force, and the persistence of pre-Hitler officials in the judiciary and in the Ministry of Justice which had been the most reactionary of the ministries under the Republic. Pending the completion of new legal codes, the Nazis have sought their ends by devious means, among which the following may be indicated: amendment of the codes by special decrees such as that which recognizes "the sound feeling of the people" (Gesundes Volksempfinden) as a criterion of criminality; control of the legal and judicial personnel through pressure or replacement; the establishment of extraordinary courts with summary procedures (People's Court and Special Courts); the segmentation of justice through creation of special jurisdictions, e. g. party, army and labor courts; and the terroristic operations of the Gestapo.

The inevitable effect of the war was to sharpen and multiply such instruments of arbitrary justice. New crimes were defined, whether black market operations, listening to foreign broadcasts or consorting with foreign workers. The list of capital offenses lengthened. Meanwhile there remained both officials and judges who strove to maintain something of the standards of justice in which they found support in the older laws which continued valid. Hence the administration of justice became capricious. Acquittal or conviction and the severity of the sentence varied for the same crime from court to court, depending on the judge who tried the case. Variation in judicial interpretation of "sound feeling of the people" was a particular source of unequal.

(19713)

justice. Severity and caprice grew, the situation became more difficult, after the death in January 1941 of the Reich Minister of Justice, Franz Guertner, who as Bavarian Minister of Justice had aided and protected Hitler after the Putsch of 1923. No successor was appointed for nineteen months, the ministry being directed in the interval by Schlegelberger, the Secretary of State.

Judicial resistance, despite the urgency of the military situation, to Nazi demands for greater severity and the resulting growth of inequality in German justice led Hitler in his address of April 26, 1942 to denounce the excessive lenience of German judges. He threatened the removal of those "who do not clearly recognize the demand of the hour" and secured from the Reichstag reaffirmation of his position as Supreme Judge, "unbound by existing legal precepts" (ohne an bestehende Rechtsvorschriften gebunden zu sein).42/ The very sharpness of Hitler's attack confirmed the fact that there were judges who had held fast to the code of law and refused to pronounce the arbitrary judgements which had often been enjoined on them from above.

After Hitler's speech, it was expected that he would at once appoint a successor to Guertner and initiate basic reforms in the administration of justice. But months passed without action being taken. There were two reasons for the delay. In the first place, two extreme Nazis had claims to the ministerial post: Freisler, Secretary of State, representative of the SS and editor of Deutsche Justiz;43/ and Governor General Frank, Leader of the Reich Legal Office of the NSDAP, President of the Academy for German Law and Leader of the NS Association of the Guardians of the Law. In order to avoid offense to either Freisler or Frank by giving preference to the other, Hitler decided in August to appoint a third, Otto Georg Thierack, President of the People's Court. (19713)

Not only the personal issue but policy also recommended choice of the comparatively little known Thierack. The speech of April 26th had aroused great concern in juristic circles. It was feared that Hitler would abolish the old legal code at one blow and discharge a large number of meritorious and respected legal officials. But these older judges and attorneys could be dispensed with even less than before the war, since many young jurists had either enlisted or taken one of the numerous new administrative positions. Hitler could not at this juncture afford a conflict with the elders whose administration of justice he had so roughly attacked. A compromise had to be found between the radical Nazi circles about the Fuehrer and the more conservative elements. Credit for working out the compromise is attributed to Lammers, Chief of the Reich Chancellery and himself an old civil servant and SS Senior Group Leader.

Thierack personifies the compromise. As an official in the administration of justice since the early 'twenties he was acceptable to the older, more conservative group. By reason of his support of the NSDAP since before 1933, his unenviable reputation as President of the People's Court from 1936 to 1942 and as SS Brigadefuehrer he could expect support from the younger and more radical jurists.44/ The career of the new Secretary of State, Curt Rothenberger, had paralleled that of Thierack on a less prominent plane.

In order to give his new minister and secretary a fair opportunity, Hitler cleared their path and reduced the influence of the NSDAP on the administration of justice. Freisler was transferred from his secretaryship to the less influential post which Thierack had vacated. Frank resigned all his offices which were concerned with justice "in order to be able to devote himself completely to his duties as

Governor General." The Reich Legal Office of the NSDAP, under Frank an important channel for party influence, was abolished. Thierack's position as Minister of Justice was buttressed by leadership of the Academy for German Law and the NS Association of Guardians of the Law, which he took over from Frank. Moreover, Hitler empowered Thierack "in accordance with my directives and instructions and in agreement with the Reich Minister and Chief of the Reich Chancellery (Lammers) and the Leader of the Party Chancellery (Bormann) to build up a National Socialist administration of justice and to take all necessary steps for this purpose" and in so doing to "depart from existing law."45/

This authorization, it will be noted, reserved to the NSDAP influence on the administration of justice through the Leader of the Party Chancellery. Taken in connection with the transfer of Freisler and the retirement of Frank, it strenthened the position of Bormann. Yet in and of itself, Bormann's influence was increased little if at all, since a decree of January 16, 1942 had already stipulated that "The party's collaboration in lawmaking takes place exclusively through the Leader of the Party Chancellery so far as the Fuehrer does not determine otherwise."46/

Thierack and Rothenberger have emitted a steady flow of addresses, articles and interviews which often voice so strong a Nazi viewpoint as to obscure the compromise inherent in their appointment. The general tenor of these statements may be summarized as follows: A "crisis" has arisen in the administration of justice because, although National Socialism has created a folk-community (Volksgemeinschaft) since 1933, the legal and judicial system has not freed itself from obsolete principles of individualistic liberalism, which are embodied in the written law. A gulf has widened between the

judges and the popular sense of justice. It is necessary that the number of judges be reduced (reduction from 14,000 to 5,000 has been mentioned), that the judges be better paid, and selected and trained with a view to their experience of contemporary life as much as their knowledge of the written law. The system of courts should be reorganized and adapted to the Gaue of the NSDAP. Minor cases, involving less than 500 marks, are to be entrusted to Justices of the Peace (Friedensrichter) who are to be worthy citizens, not necessarily trained in the law. The people are promised a larger share in the dispensation of justice also by restoration of the village and town jurisdiction of olden days in minor cases (Dorf-und Stadtgerichtsbarkeit). The central purpose of these changes is to establish "a National Socialist administration of justice . . . guided solely by the principles of National Socialism."47/ Rothenberger has stated that "the leadership of justice has now been placed directly in the hands of the party," which reverses the truth, and has pledged close collaboration between the administration of justice and the party and SS.48/ It was before the new appointments that instructions were issued for the exchange of information between the Sicherheitsdienst of the SS and the officials of justice.49/

In fact, after six months in office, Thierack and Rothenberger have done little to achieve the complete Nazification of justice which their utterances promise and even less by way of departure from previous lines of development. The right of appeal has almost disappeared and the authority of the judge in a lower court to impose punishment has been increased.50/ These, however, only continue earlier trends. Reports of convictions and sentences indicate that shorter shrift is now given to slackers, operators on the black market and other "enemies of the people" (Volksschädlinge). But this was

already on the increase before Hitler spoke in April. Parenthetically it may be suggested that more severe treatment of malingerers may be welcome to those Germans who are already doing their duty at home or at the front. A recent article in Deutsche Justiz indicates that German justice is not yet considered stern enough in all districts and cases.51/

Judicial independence has been under steady pressure since the Nazis assumed power in 1933. While answering foreign (and German ?) criticism of his authorization to "depart from existing law," Thierack explicitly affirmed the subordination of judges to general ministerial directives:

> "The State leadership must lay down the general line for the judge to follow. . . That is the purpose among other things of the confidential 'letters for judges' (Richterbriefe) issued by me personally and sent to every German judge and prosecutor."

But Thierack accompanies this with a denial of intent to dictate decisions in particular cases: " . . . otherwise there would be nothing left of the judge."52/ In view of the reduction of party influence in the Ministry of Justice, this ministerial control may even imply protection of the judges against pressure from the party.

The only additional measures known to have been taken by Thierack are the appointment of Justices of the Peace in Baden and Württemberg, the establishment of three departments in the ministry to plan reform of the judiciary,53/ and energetic prosecution of the work on the new people's code of law (Volksgesetzbuch), with which the Academy for German Law has been occupied since 1933.54/

It is evident that the reorganization in August aroused alarm among party members lest the NSDAP was losing control over the administration of justice, alarm which the slight progress of Thierack toward his professed goal has not allayed. Otherwise Thierack would hardly have thought

it necessary to publish a leading article in the Völkischer Beobachter of February 8, 1943, which aims to quiet just such apprehensions. One passage from the article merits quotation as an illustration of the fog which shrouds the relations of party and state:

> "It is only superficially true that the entire leadership in legal affairs, so far as the sphere of justice is concerned, passed to the Reich Ministry of Justice, i. e. an agency of the state, after the dissolution of the Reich Legal Office of the NSDAP. The relations between party and state in the administration of justice are not a matter of organization and even less of the persons entrusted with it, but rather a matter of being eternally alive to the problems of completing and strengthening the folk-community. The Fuehrer has already stated at the party assembly of 1934 that the National Socialist party will endure as long as there is a National Socialist state and that so long as the National Socialist party exists, there can be nothing but a National Socialist state."

If the Nazis are troubled by recent developments in the administration of justice, there is concern also among the conservatives. Goering's paper, the National Zeitung of Essen, has been critical of innovations in training which are designed to add to the practical experience of judges.55/ The Koelnische Zeitung of December 12, 1942 enters a plea for legal security, objecting to the decision of a Saxon Court which gave more weight to the "sound opinion of the people" than to the clauses of a lease.56/

In sum, the "crisis" in the German administration of justice has not yet been overcome. Circumstances forced Hitler in August to retreat from the extremism of his April address and to compromise between his radical followers and the surviving conservatives in ministry and judiciary. The compromise is visible in the discrepancy between the utterances of Thierack and Rothenberger and their actual measures to date. It is visible also in the signs of apprehension on both left

and right. The administration of justice remains in a state of balance. It is, however, a precarious balance, which continues to tilt gradually to the left, and may be violently upset in the same direction, under the pressure of the war and the resultant strains within Germany.

e. Political and Civil Rights

(1) Suppression of Civil Rights. On February 28, 1933, by virtue of the emergency powers granted to the Reich President by Article 48 of the Weimar Constitution, Hindenburg promulgated the so-called Reichstag fire decree, which read in part as follows:

> "Consequently, restrictions of personal liberty, of the right of free expression of opinion, including freedom of the press, of association, and of assembly, interference with letters, mail, telegraph, and telephone secrets, orders to search houses and to confiscate as well as restrict property beyond existing legal limits are permissible."57/

Well called the Magna Carta of the Concentration Camp, this decree is still in force. The Law to Combat the National Crisis, March 24, 1933, put any remaining individual rights at the mercy of the government.58/

(2) Definition of Citizenship. The Reich Citizen's Law of September 15, 1935, established a distinction between a "subject of the state" (Staatsangehoeriger) and a "citizen of the Reich" (Reichsbuerger). The law reads in its essentials as follows:

> "He is a subject of the state who belongs to the protective association of the German Reich and is therefore especially obligated to it . . . . He only can be a citizen who is a subject of German or racially similar blood and who demonstrates by his behaviour that he is determined and able faithfully to serve the German people and Reich . . . . Only citizens of the Reich have full political rights according to the measure of the law."59/

Two months later, an executive decree conferred citizenship on every national of German or racially similar blood who possessed the right to vote or was granted citizenship by the Minister of the Interior.

The same decree expelled all the remaining Jewish civil servants. Although the attack on the economic position of the Jews had then hardly begun, this was the last in a series of legislative measures aiming to expel non-Aryans from the civil services, and all cultural fields.60/ While it adds little to the above legal definition of citizenship, the following statement of a Nazi constitutional authority is illuminating:

> "Citizenship in the National Socialist Reich is dependent first of all upon racial considerations and then upon loyalty. Not all subjects of the state are citizens of the Reich. Persons who are not members of the 'race' cannot be citizens. Only citizens can vote in the plebiscites or hold any kind of public office. Anyone who is considered disloyal to the Reich can be deprived of citizenship."61/

What then are the rights, so jealously guarded, of the citizens of the Reich? They have the right to hold office. They can vote in the Reichstag elections or plebiscites. The quotation above from the Reichstag fire decree demonstrates how little they have of personal rights. The discussion of Judiciary and Law above indicates how little remains of security of person or property. Paragraph 24 (Religion) discusses the Nazi effort to destroy the churches, Jewish, Catholic, Protestant. In sum, National Socialists may believe in their political and civil rights, but they are not such as we can understand.

(3) Restricted Citizenship in Incorporated Areas (See also Section III, Paragraph 17, B-H); Citizenship for Service in the Armed Forces, etc. The Reichsgesetzblatt of April 30, 1943 published a decree establishing two categories of rights for persons inhabiting territories recently incorporated into the Reich. Racial Germans are granted revocable citizenship (citizenship auf Wiederruf). If not revoked within ten years, permanent citizenship is acquired.

If it is withdrawn, the person in question automatically enters the second category, that of protectees (Schutzangehoerige), which is composed primarily of non-Germans. The rights of the protectees are determined by the administrative authorities. For instance, they may only marry members of the same group. Jews and gypsies are not eligible for either category.

The decree has already been put into effect in Alsace and Lower Styria (Untersteiermark). The status of protectees may be granted to inhabitants of the Protectorate and Government General. It has been suggested that the decree is a legal device to make use of the populations of the newly incorporated areas during the war without granting them permanent citizenship.62/

Manpower shortage is probably also responsible for a decree in the Reichsanzeiger of May 25, 1943 which grants German citizenship with the publication of the decree to those foreigners of German blood (Volkszugehoerige) who are members of the German Armed Forces, police or the Organization Todt. Those Volkszugehoerige who enter these organizations after the enactment of the decree receive citizenship automatically on the day of entry.63/

German citizenship has also been granted, retroactive to June 21, 1941, to qualified persons of German racial blood in the Ukraine.64/

f. Provincial and Local Government

(1) Structure.

The German local and provincial administration was formerly under the full jurisdiction of the several German states and reflected the diversity of their historical forms. In the early years of power, Hitler and the Nazis concentrated on control of the central government and maintained as much as possible the older local and provincial administration.

Due to its large size, the following document has been filmed in segments. The order of the segments is as follows: left to right, top to bottom.

PROVISIONAL EDITION

RESTRICTED

MAJOR POLITICAL DIVISIONS OF GREATER GERMANY

JANUARY 1943

NORTH SEA

BALTIC SEA

SCHLESWIG HOLSTEIN

SCHLESWIG

HOLSTEIN

Kiel

Hamburg

MECKLENBURG

Schwerin

Lübeck

Stettin

POMMERN

Königsberg

Danzig

REICHSKOMMISSARIAT

OSTLAND

OSTPREUSSEN

OSTPREUSSEN (Bialystok)

DANZIG-WESTPREUSSEN

OLDENBURG

Bremerhaven

Bremen

WESERELMS

OST-HANNOVER

MECKLENBURG

BRANDENBURG

MARK BRANDENBURG

Berlin

Posen

WARTHELAND

REICHSKOMMISSARIAT

UKRAINE

GENERAL-GOUVERNEMENT

Münster

WESTFALEN-NORD

Hannover

Braunschweig

PROVINZ SACHSEN

MAGDEBURG

Magdeburg

ANHALT

Dessau

Halle

HALLE-MERSEBURG

Leipzig

SACHSEN

Dresden

Breslau

NIEDERSCHLESIEN

NIEDERSCHLESISCHE

OBERSCHLESISCHE

OBERSCHLESIEN

Kattowitz

Reichenberg

SUDETENLAND

Prag

PROTEKTORAT

BÖHMEN UND MÄHREN

Bayreuth

Weimar

THÜRINGEN

Kassel

HESSEN-NASSAU

Frankfurt a. M.

Darmstadt

Wiesbaden

Koblenz

Trier

Essen

Bochum

Düsseldorf

Köln

RHEIN-WESTFALEN

WESTFALEN-SÜD

KÖLN-AACHEN PROVINZ

RHEINHESSEN-PFALZ

SAAR-PFALZ

Saarbrücken

WESTMARK

Würzburg

MAINFRANKEN

BAYERISCHE OSTMARK

Nürnberg

FRANKEN

BAYREUTH

Karlsruhe

WÜRTTEMBERG

Stuttgart

HOHENZOLLERN

BADEN

Augsburg

MÜNCHEN

München

OBERBAYERN

OBERDONAU

NIEDERDONAU

Linz

WIEN

Wien

Salzburg

Innsbruck

TIROL-VORARLBERG

SALZBURG

STEIERMARK

Graz

KÄRNTEN

Klagenfurt

OBERDONAU

UNTERSTEIERMARK

SLOWAKEI

UNGARN

ROMANIA

CROATIA

SWITZERLAND

ITALY

FRANCE

BELGIUM

LUXEMBOURG

NETHERLANDS

State or Province Boundary

Gau Boundary

Reichsgau Boundary (Fusion of state or province and Gau boundaries)

Boundary of the Greater Reich

Capital of State or Province

Capital of Gau

Capital of State or Province and Gau

Capital of Reichsgau

ANHALT Name of State or Province

ESSEN Name of Gau

WIEN Area of Reichsgau

0 25 50 75 100 125 150 MILES

0 25 50 75 100 125 150 KILOMETERS

Reliability Code: 00-2A-2

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MAP NO. 2384

9 JUNE 1943

Subsequently, the Hitler government altered the administrative organization of Germany without, however, reaching as yet what the Nazi would consider an ideal structure. The administrative system of Germany is still in a state of transformation.

Complete uniformity exists so far merely in local government. The municipal organization is determined by the Law on Municipal Order of January 30, 1935.65/ Every municipality is ruled by a Buergermeister (Burgomaster or Mayor) who outranks all other officials of his town or city, and is in turn responsible to the next higher agency. In some of the Mayor's decisions, however, the law prescribes the cooperation of the local party boss (Ortsgruppenleiter). The Mayor has at his side a number of executive officers called Beigeordnete (associates). In addition each town has a council with between 12 and 36 Councilmen, according to the population of the municipality. The council has merely an advisory capacity. Villages, towns, and small cities are grouped together in so-called Landkreise (rural counties) and a special state official, the Landrat (Land Councillor), exercises general control over their municipal administration. He is appointed by the Reich government and is a civil servant with legal training.

Larger cities are exempt from the rural counties. Each forms, itself, a city county (Stadtkreis). Whereas the officials of the small communities can be laymen and often serve without receiving pay, the head of the city administration has to be a professional man of legal training. Usually a city is separated from a rural county when it reaches a population of 20,000. The titles of the city officials are different from those of the smaller communities. The Mayor of a city is called a Lord Mayor (Oberbuergermeister), his first associate a Mayor, the rest of the associates City Councillors, and the

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Councilmen become City Senators (Ratsherr).* A Lord Mayor is appointed by the Reich Minister of the Interior, a Mayor by the Reich Governor, from a list of three submitted by the delegate of the NSDAP in the municipality.

On the municipal level, uniformity of organization has been realized throughout Germany. The higher levels of administration, however, display old and new elements, which are not yet completely reconciled. In most of Germany, above the rural and city counties there is a unit known as the government district (Regierungsbezirk). This is the most important agency between the federal and local governments. The average population is close to a million, the smallest being just above 300,000, the largest in one case exceeding two million. These units are called Regierungsbezirke in Prussia, Bavaria and Saxony as well as in the Reichsgaue Sudetenland, Danzig-West Prussia and Wartheland; in Baden, Landeskommissarbezirke. Other German states and Reichsgaue have no such unit.66/

Above the level of the districts the administrative forms of the past have not been fully overcome. Prussia, which in 1933 covered two-thirds of the German map, had thirty-four government districts, which were grouped in twelve - now eleven - provinces, (East Prussia, West Prussia, Pomerania,

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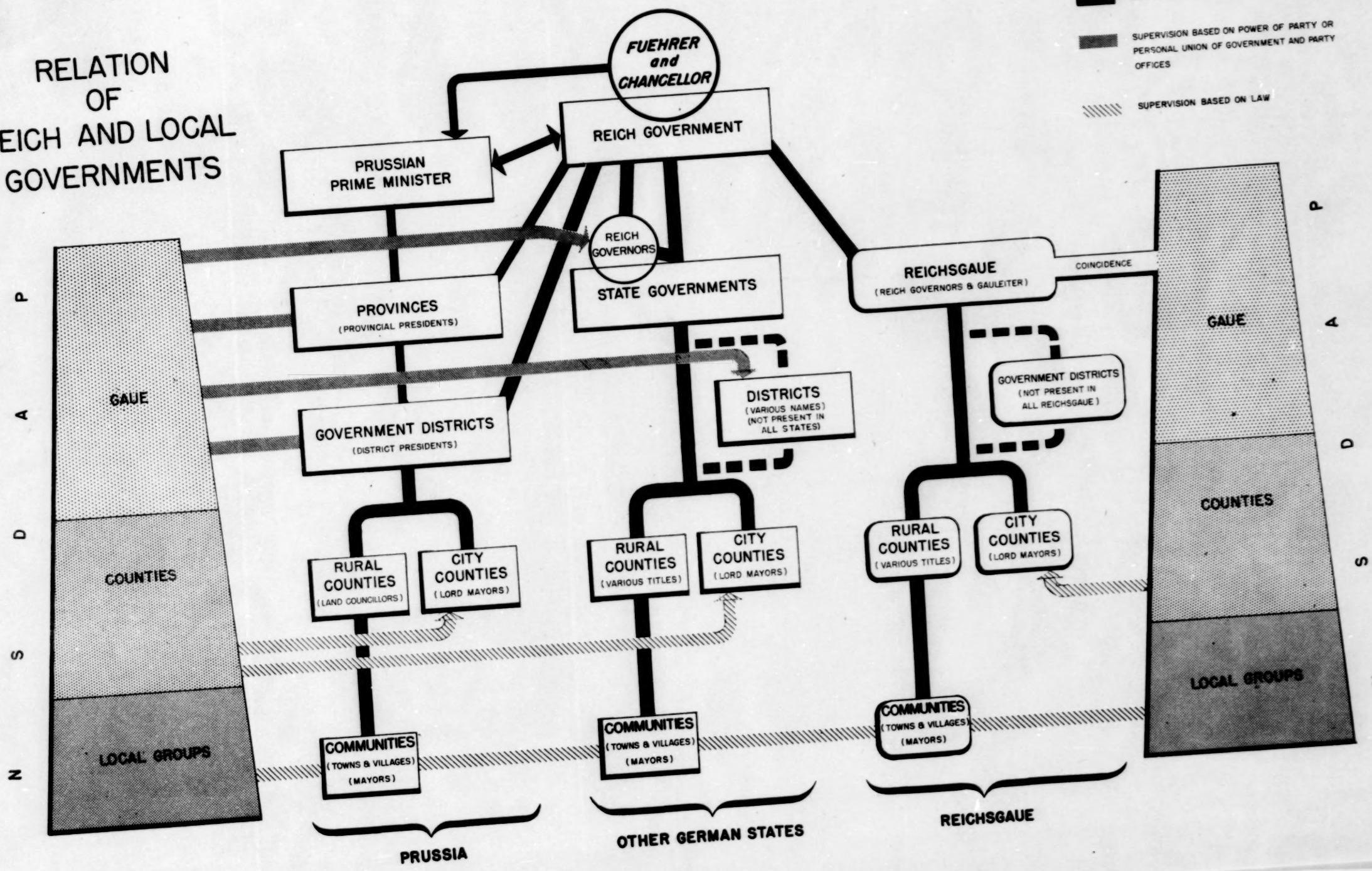
* There are a few exceptions to this general system. In 1933 three "free cities" existed: Hamburg, Bremen, and Luebeck. Luebeck was incorporated in Prussia in 1937. Bremen continued as a free city, although under a Reich Governor appointed for both Oldenburg and Bremen. Hamburg was given additional territory from Prussia and the local Gauleiter of the party was made both Reich Governor and ruling Lord Mayor of the City. While Hamburg thus became a model for the Reichsgaue to be created after 1938, both Hamburg and Bremen rank together with the former German states and are not to be considered mere municipalities in the terms of the Gemeindeordnung of 1935. Berlin, with its population of 4,300,000, has been made an independent administrative unit. The functions of a Provincial President (Oberpräsident) and District President (Regierungspräsident) are exercised by the Lord Mayor of Berlin, who has received in addition the title of City President and is directly responsible to the Reich government. Hitler has reserved to himself certain special rights with regard to the city of Munich. Amtliches Gemeindeverzeichnis fuer das Deutsche Reich (Berlin 1941), p. 6

Brandenburg, Lower Silesia, Upper Silesia, Prussian Saxony, Schleswig-Holstein, Hanover, Hessen-Nassau, Westphalia, and the Prussian Rhineland). Many orders, e. g. all police orders, were issued from the Prussian government directly to the districts, others went through the provinces which exercised a general supervision over the districts and counties. These institutions still exist. The most important change introduced by the Nazis is the merger of the Prussian government with that of the Reich. All Prussian ministries, with the exception of the Prussian Finance Ministry, have been absorbed in those of the Reich. Hitler is Reich Governor in Prussia and has delegated Hermann Goering, who has retained the title of Prussian Prime Minister, to exercise what little authority is left to former Prussia. Actually the Provincial Presidents and the District Presidents have ceased to be state officials; they derive their power from the Reich.

The same is true with regard to the non-Prussian German states (Laender). All state-rights have been abolished, and the former states are actually nothing but subdivisions of the Reich. But in contrast to the Prussian government, the other state governments were not merged with the Reich government. Reichsstatthalter (Reich Governors) were appointed for the purpose of subordinating the administration of the various states to the Reich government. Originally, the existing state cabinets were retained and functioned under the supervision of the Reich Governors. Meanwhile, however, the Reich Governors have assumed the post of former state ministers in a number of cases. The following states still have state ministers in addition to Reich Governors: Bavaria, Saxony, Württemberg, Baden, Thuringia, Mecklenburg, Oldenburg, Bremen, and Brunswick. In Hessen, Lippe, and Schaumburg-Lippe, the Reich Governor acts at the same time as state minister; in Hamburg, he acts as ruling Lord Mayor. (19713)

RELATION OF REICH AND LOCAL GOVERNMENTS



There are corresponding variations in practice. The Reich Governor of Bavaria, for example, receives his orders from Berlin, passes them on to the Bavarian government, which in turn advises the heads of the various government districts. In the case of Hessen, where the Reich Governor acts at the same time as Prime Minister, the orders would be passed directly to the districts. In a petty state like Lippe the whole state is not larger than a district, and the activities of the Reich Governor are more comparable to that of a District President in a former Prussian district.

(2) Gaue and Reichsgaue. The Nazis have not yet established a uniform administrative system throughout Germany. Likewise full correspondence has not yet been achieved between the structure of the Reich administrative system and that of the party organization. But enough has already been done in this direction both to increase Nazi power greatly and to indicate the probable line of further development.

The administrative system of the Reich resembles a pyramid, which has its apex in the Reich Government and descends through successive strata of provinces or states, government districts and rural or city counties to its base in the communities (towns and villages). The structure of the Nazi party is very similar. Ignoring for the moment the blocks and cells, which constitute the real base of the Nazi pyramid, the party's local groups (Ortsgruppen) coincide with the communities. On the level of the county (Kreis), by 1940 an ever increasing correspondence between governmental and party boundaries were being secured.67/ It is in the next stratum that differences appear. Of the regional units of the Nazi party, called Gaue, some include only one or more government districts, while others coincide with states or Prussian

provinces. In order to complete the coordination of Reich and party organizations, many alterations and adjustments will still have to be made.

The annexation of Austria, Sudetenland and parts of Poland gave the Nazis a chance to move more freely in this respect. In these newly acquired territories, a new unit has been created, the Reichsgau, which is declared to be the pattern for the future reorganization of Germany. The name, Reichsgau, symbolizes the coordination of Reich and party organizations. The boundaries coincide; the Gauleiter are the Reich Governors. In the Reichsgaue, less respect has been shown for the established administrative systems than in the states of the old Reich, so that the Reich Governors enjoy more complete authority. They are in charge of all branches of the administration except those which are directed from Berlin, such as Post, Railways, Finance, and Armed Forces.68/

Austria was divided into seven Reichsgaue, which are, with the exception of Vienna, not larger than government districts. This is a variation from the pattern of the Reichsgaue Sudetenland, Wartheland, and Danzig-Westpreussen, each of which is subdivided into three government districts. It may be assumed, therefore, that Hitler himself has been unable to settle the problem of whether one or two intermediary agencies - Reichsgau alone or Reichsgau and government districts - are to survive between the Reich government and the counties.

There can be no doubt, however, that Hitler desires to break up, in addition to Austria, any other states such as Bavaria or Prussia which are so large as to form an obstacle to the unity of the Reich. The Reichsgau may provide the means to this end. Bavaria has already lost one of her districts, namely the Palatinate (Pfalz), which has been

combined with the Saar area in the administrative unit, Saarpfalz. Saarpfalz and Lorraine constitute the Gau Westmark. Westmark is designed to be a Reichsgau if it has not yet become one. The rest of Bavaria has been divided into five Gaue which may foreshadow the boundaries of five future Reichsgaue.

By reason of including two-thirds of Germany, Prussia presents a special problem. Hitler's first step toward its solution has already been mentioned, namely, the absorption of Prussia into the Reich. In effect, this has transformed the Provincial Presidents and the District Presidents into officials of the Reich rather than of Prussia. The Provincial Presidents have become equivalent to the Reich Governors of other German states such as Baden or Saxony. This is further recognized in the fact that nine Provincial Presidents (and two District Presidents) hold the party position of Gauleiter equally with a number of Reich Governors. Moreover the territory annexed after the conquest of Poland was not incorporated with Prussia, to which it had once belonged, but was divided into two Reichsgaue, Danzig-Westpreussen and Wartheland, directly under the Reich.

Another step toward subdividing Prussia may be indicated by the arrangement of the Gaue in its territory. The Rhine province has been divided into four Gaue, Westphalia into two and Hannover (with Brunswick and Oldenburg) into three. Taken in conjunction with the aforementioned partition of Austria and delimitation of Bavarian Gaue, these measures portend a reorganization of the Reich, in which Gaue and Reichsgaue of comparatively equal size will displace the old states and provinces as the regional administrative units.

Several developments during 1942 pointed in this direction. Political control over the allocation of labor and housing was vested in the Gauleiter. The Gau became the

regional unit for the Economic Chambers, the former Chambers of Artisans and Chambers of Industry and Commerce being absorbed into the Gauwirtschaftskammer; for the powerful Armament Commissions; and for civil defense, all Gauleiter being appointed Reichsverteidigungskommissare. In the last two instances, the Gau displaced the Corps Area (Wehrkreis). It has been suggested that the system of courts should also be adapted to the Gaue.

The decree of November 16, 1942 which established the Gaue as Civil Defense Districts (Reichsverteidigungs-bezirke) contained another provision which further enhanced the administrative importance of the Gaue, but also indicated that the boundaries of some Gaue may not be final. This provision set up Economic Districts (Wirtschaftsbezirke), but to the number of thirty, whereas there are forty-two Gaue. Economic Districts and Gaue coincide with the exception that eight of the Economic Districts (in Hanover, Westphalia, Niederrhein, Nordbayern, Suedbayern, Donauland and Alpenland) include more than one Gau. That is, the Economic Districts effect a partial re-consolidation in just those areas of Austria, Bavaria and Prussia where partition into Reichsgaue and Gaue had been carried furthest. With this qualification, the Gaue as Economic Districts are rapidly becoming the regional sub-divisions for economic administration. The following regional economic agencies have been transfrrred to the Economic Districts: economic offices (Landeswirt-schaftsämter); food offices (Landes (Provinzial) ernahrungsämter) and peasant organizations (Landesbauernschaften); labor exchanges (Landesarbeitsämter) and Reich Labor Trustees. It is particularly significant that the regional apparatus of the Ministry of Armament and Munitions, including the Armament Commissions, which Speer first organized on the basis of the Gaue, is being refitted where necessary to the Economic

Districts.[69] While these developments strengthen the Gaue as regional administrative units, they also forecast the merger of a number of the smaller Gaue. (For the regional organization of the NSDAP, see par. 28, g).

(3) Nazification. The Nazis have not waited to complete the territorial reorganization of Germany before penetrating the ranks of provincial and local government officials. Of the forty-three Gauleiter, more than thirty are also Reich Governors or Provincial or District Presidents.[70] Their increasing assumption, as Gauleiter, of administrative functions has been mentioned above.

In Prussia, Nazification has been carried very far. By March 1937, the twelve Provincial Presidents had all been replaced by party members, eleven of whom belonged to the party before 1933. Of thirty-four District Presidents, all but three had given way to party members, nineteen of whom joined the party before 1933. Of three hundred sixty-one Land Councillors (Landräte), all but seventeen are members of the party, one hundred seventy-one since before 1933. Of four hundred thirty-eight so-called "political positions" in the administration of Prussia, three hundred fifty-six are held by Nazis.[71] There is no reason to believe that the situation is much different in the other states. In the occupied Polish areas, the personal union of state and party offices has inter alia for the sake of economy of personnel, been introduced almost everywhere, especially between County Leaders and Land Councillors.[72]

Such circumstances tend to break down the much-emphasized distinction between the responsibility of the party for Menschenführung and that of the state for administration. (See c. 1).

(4) Functions. The functions of local government in Germany are varied. Formerly there existed a clear

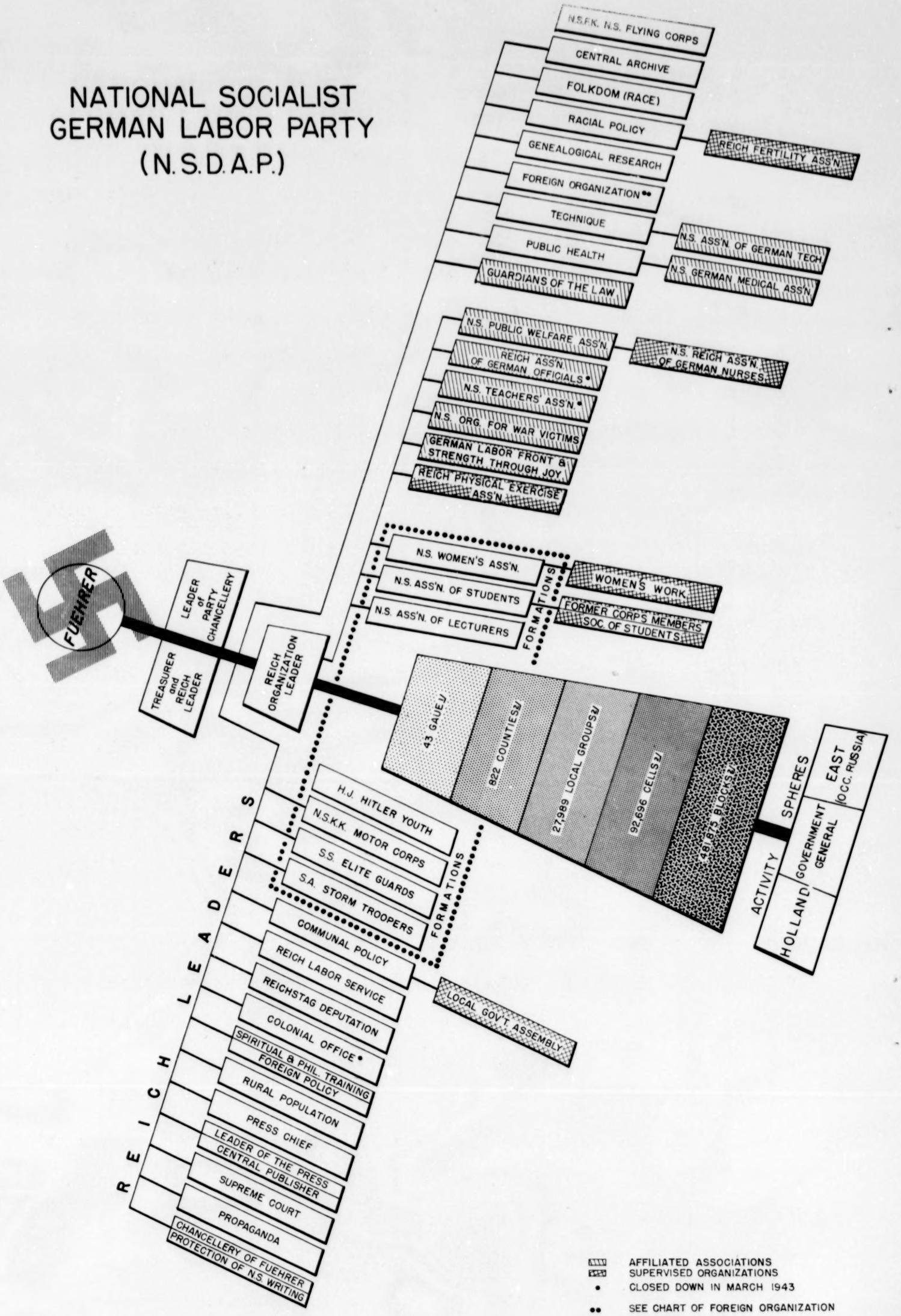
division between those functions which the local government exercised as an agent of the state government and those which it exercised directly on behalf of the local community. This distinction between centralized government and local self-government has lost all meaning in the Third Reich. All officials, Reich, state, and municipal officers, are representatives of the central government and wield their authority in the name of the Fuehrer. Even in the financial field, the division has become insignificant, since the budgets of local and municipal bodies are controlled by the Reich. For all practical purposes, the local and provincial governments are agencies of the Reich government which in addition maintains in certain fields special federal agencies. This is true in the case of the army, taxes, custom duties, justice, transportation, post and labor exchanges, which have district and local offices of their own acting on instructions from their respective ministries.

The communities (villages and towns) are responsible for maintaining public order and can undertake anything desirable for the improvement of public welfare. Their chief activities are the maintenance of schools, housing, roads and public welfare institutions. In most cases the individual community is too small to undertake all these functions at once and some are left to the counties. Larger enterprises such as highways, canals, or specialized institutions like asylums for the insane and other hospitals are built and maintained by provinces or states. No line can be drawn between the functions of the different units of local self-government. A county like Teltow, which combines some of the richest industrial and residential suburbs of Berlin, has undertaken enterprises which usually only a province or state would tackle. In most cases the cities maintain in addition to schools and hospitals all public services, like trolleys,

busses, gas, water, and electricity. Municipal ownership of the public services is the rule.

Nor is there a dividing line between local and federal administration. School buildings and school budgets may be carried by communities and cities, but the examination of teachers and their disciplinary supervision is in the hands of the state. It may be mentioned that the grade schools are controlled by the Reich Ministry of Education through district school boards, whereas the high schools are controlled through provincial or state boards.

NATIONAL SOCIALIST GERMAN LABOR PARTY (N.S.D.A.P.)



AFFILIATED ASSOCIATIONS
SUPERVISED ORGANIZATIONS
• CLOSED DOWN IN MARCH 1943
•• SEE CHART OF FOREIGN ORGANIZATION
1/ 1941
2/ GREATER GERMANY, AUGUST 1939

28. The National Socialist Party (NSDAP)

a. General Role

The National Socialist dictatorship constitutes not merely one of the most vicious and merciless, but one of the most effective instruments of government in modern times. This is not intended to suggest that the Nazi system is entirely composed of original elements. On the contrary, what gives strength to Nazi ideology and practice is their derivation, in however distorted form, from trends and forces long present in the development of Germany and discernible in varying degrees elsewhere. The leadership principle is but the Nazi formulation of authoritarian rule, from which the German people escaped only between 1918 and 1933. No one would contend that militarism first entered the German tradition with the Nazis.

It would be a mistake to attach too much weight to Nazi ideology as such. Every pronouncement springs from the immediate situation and is abandoned as soon as the situation changes. This ideology is primarily an instrument of power. It is essentially opportunistic. It varies according to time and circumstance. The desire to remain in power underlies all other considerations. To this end, the Nazis have stopped at nothing; nor will they. Much of the apparatus of the German state now serves them, and their hold upon it continues to increase. They have developed an elaborate and complicated party structure, which supplements the governmental machinery in holding the German people in their grip. The German economy pours out the weapons and munitions to keep the armies on the march. The people vary from fanatical devotion to Hitler through enthusiasm and indifference to opposition of different degrees of intensity. So long as victory was bloodless, as at Munich, or quick and easy, as in France, Nazi stock undoubtedly rose. But the defense of Britain, Russian resistance, the entrance of the

United States into the war, Stalingrad and Tunisia have put Goebbels' propaganda machine under new and unaccustomed strain.

b. Numbers

The present membership of the NSDAP can only be roughly estimated. On January 1, 1933, it numbered 849,009; in 1935, 2,493,890.[73] On May 1, 1937, a four-year ban on new members was lifted and in 1939 the requirements for eligibility were eased. But no authoritative statements concerning the resultant membership are available. In 1941, our Berlin Embassy reported the estimate of a fairly well informed source that there were then some 4,000,000 party members.[74] Inasmuch as the membership is reported to be limited to 10 percent of the population and to be higher in Austria[75] than elsewhere, this estimate appears to be too low. In addition to the aforementioned increases within the old Reich since 1935, Austria, the Sudetenland and Polish territories have been annexed, the NSDAP has expanded into Alsace, Lorraine, Luxemburg and the Protectorate and established "activity spheres" (Arbeitsbereiche) in Holland, the Government General and occupied Russian territory.[76] Five million would appear to be not too low a figure, and the membership may well run as high as 7,500,000, which was suggested as a maximum in 1942,[77] or even higher.

In addition to the active members of the NSDAP there is a large number of "collaborators" (Mitarbeiter)- more than 2,000,000 in 1937 - in the many organizations under Nazi control. It is noteworthy that even subordinate "political leaders", minor officials in such organizations as the Hitler Youth, Labor Front and Womens' Association, and members of the SA, SS, and NSKK are not necessarily members of the party. Individuals who had rendered such services to the party over a period of years were recognized as eligible for membership when the ban was lifted in 1937.[78] Early in April 1937, an article in the

N. S. Parteikorrespondenz by Fritz Mehnert, Senior Commander of the Central Organization Office, listed these collaborators as follows:

Political Leaders (Functions similar to those of some 450,000 "block" and "cell" leaders in educating the people)	250,000
Minor officials in Labor Front	757,000
Minor officials in Welfare Association	290,000
Minor officials in Reich Food Estate	88,000
Minor officials in Organization for War Victims	77,000
Minor officials in Women's Association	95,000
Minor officials in other party associations	8,000
Total	1,565,000 79/

On April 20, 1937, 839,000 additional collaborators were sworn in,80/ giving a grand total of 2,404,000.

c. Social and Age Composition

There is no social class without its representatives in the Nazi party today. If any were missing in 1933, the want was filled by six years of success at home and abroad before the outbreak of war. Yet in the absence of proof to the contrary, it may be assumed that the NSDAP retains its strongest support in the lower middle class, even though its economic policies and the growth of elites have generally betrayed the interests of these first supporters. Nationalistic, frustrated in its hopes by inflation and depression, and fearful of both capitalist and communist, the middle class - especially its lower ranks - fell easy prey to Nazi demagoguery. This, and the proportions from other groups, are indicated in the following figures which are derived from official statistics:

Percentage Occupational Distribution of Nazi Party Membership, 1933 and 1935[81]

Occupational Classification	Party Membership 1933	1935
Manual workers, including agricultural laborers	31.5	32.1
White-collar employees	21.1	20.6
Independents (skilled artisans, professional persons, merchants, etc.)	17.6	20.2
Officials	6.7	13.0
Peasants	12.6	10.7
Others (domestic servants and non-agricultural family helpers)	10.5	3.4
Total	100.0	100.0

The Nazis claim to be the party of opportunity for youth. That this appealed strongly to the youth of Germany is shown by the following table, particularly in the comparison with the Social Democratic Party:

Age Composition of the National Socialist Party and of the Social Democratic Party in Percentages of the Total[82]

Years	National Socialist Party			Social Democratic Party
	1931	1932	1935	1931
18-30	37.6	42.2	35.4	19.3
31-40	27.9	27.8	27.9	27.4
41-50	19.6	17.1	20.8	26.5
Over 50	14.9	12.9	15.9	26.8
Total	100.0	100.0	100.0	100.0

Yet this raises an interesting and critical question for the NSDAP. Other things being equal, just to the extent that young Nazis held party and government offices will the appointment or advancement of still younger party members be delayed. If the officials are unwilling to make way for younger claimants, the latter may be expected to seek other channels of advancement. The question is especially pertinent for the generation of German youth which completed its education in the early 'thirties,

too early to have received the thorough Nazi indoctrination of its successors, too late to have established its foothold in the party hierarchy. Add to these facts the war, the full impact of which must have fallen on this generation, and its present attitude becomes particularly significant.

d. The Fuehrer

Members of the party and their collaborators, some ten millions or even more, compose a network of functional and regional organizations, rivalling and outnumbering the bureaucratic apparatus of the state. Since the network is constructed in accordance with the leadership principle, analysis must start at the center with its chief architect, Hitler. Absolute in the party as in the state, the power of the Fuehrer is unlimited. People, party and state, including the army, have their common center or apex in him. The position of the Fuehrer partakes of a religious phenomenon, since superhuman powers are attributed to him. In practice, Hitler leaves the details in both party and state affairs to trusted lieutenants, reserving for himself the formulation of major policies and the settlement of differences among his aids.

e. Rivalries and Party Discipline

The NSDAP cannot be considered a close-knit, well-integrated organization. There are different wings, whose influence varies according to the occasion. The lack of a consistent theory allows the party at any given moment to bring into the foreground radical or moderate leaders, socialistic or capitalistic elements, or both at once. Under the Nazis, for instance, monopoly capitalism has made great strides in Germany. Yet early in 1940, Robert Ley, head of the Labor Front, used pseudo-Marxian terminology in a speech which struck the note, often heard since, that the Axis powers were waging the war of the proletariat against the plutocratic capitalistic Jewish democracies.

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Moreover, in a hierarchical group where so much depends on the favor of the Fuehrer, rivalries and intrigue are inevitable. Hermann Goering has long been held to rank second only to Hitler. It is noteworthy that Goering is neither Reich Leader (Reichsleiter) nor Gauleiter of the NSDAP. One of the earliest Nazis, founder of the SA, successor designate of Hitler himself, occupant of several major government posts, Goering holds no party office.[83] The Reich Marshal is said to have earned the bitter dislike of certain party officials by his contemptuous attitude. Formal aloofness from the affairs of the party has assisted Goering in the cultivation of close connections with powerful conservative groups, such as capital, army and church. This has been useful to Hitler too. On the other hand, through his many henchmen Goering commands a party following to which that of Himmler is alone comparable.

For a long time, the venomous Goebbels, Nazi since 1922 and master of propaganda, was pictured as Goering's leading rival, only then to fall behind. Even his defiant boldness in the critical winter of 1943[84] has hardly restored his former eminence. With the flight of Hess, this has by common consent left Heinrich Himmler as the strongest rival to Goering. Racial fanatic, Reich Leader of the SS and Chief of the German Police, deputy for Frick as Commissioner General of Administration,[85] ad hoc member of the Cabinet, and Reich Commissar for the Strengthening of German Folkdom - Himmler's strength is thought to have increased in recent months. Goering's prestige, on the other hand, has probably declined with that of the Luftwaffe and the increasing destructiveness of allied air-raids on the Reich. Beneath the personal rivalry of Himmler and Goering is the issue between the SS on the one hand, army and air force on the other (See Section III, paragraph 25).

There are other conflicts within the party, such as that reported between the two Gauleiter, Greiser and Foerster.[86] But these are insignificant beside the rivalry of Goering and Himmler. Around these two antagonists, the others group themselves. In addition to the following in the Four Year Plan and Air Ministry, Goering is said to have had the support of Lutze (now dead), of Frick and of other old civil servants like Schwerin von Krozigk, Minister of Finance. Goebbels is aligned with Himmler, and Ribbentrop is variously reported as on the fence or as leaning toward Himmler also. But Papen and Ribbentrop are friends of long standing and Papen is thought to oppose Himmler.[87] So the kaleidoscope turns.

The intra-party antagonisms revolve about the succession to the Fuehrer. Very rarely is disloyalty to Hitler himself reported. Still it is noteworthy that the Fuehrer should permit rivalry so deep-seated as that attributed to Goering and Himmler. There are, of course, limits which cannot be passed, as Roehm discovered on June 30, 1934. Within these limits, Hitler apparently prefers a balance of power among his lieutenants to the unchallenged rise of one who might aspire prematurely to the position of Fuehrer.

Moreover, there are means of maintaining party discipline without recourse to a purge. This was recently discovered by Walther Darre. Reich Leader in matters agricultural, Reich Minister for Food and Agriculture and prominent in the SS, Darre was given a long vacation for purposes of health in June 1942 and has not been heard of since. The most effective instrument of party discipline is the Supreme Court of the Party. Presided over by Reich Leader Walter Buch, notorious executioner at Munich on June 30, 1934, the court operates swiftly and in secret and is responsible

only to Hitler. A long record of party loyalty was unable to save Julius Streicher, rabid anti-Semite and Gauleiter, from condemnation by the Supreme Court. Forewarned of a decree to prohibit forced sales of Jewish property to "Aryans", Streicher forced a number of Nuremberg Jews to sell property at very low prices to himself and some friends. Probably acting at the instance of foes of Streicher, the court ordered that he be deprived of all his offices and expelled from the party. Hitler is said to have stood by his old supporter to the extent of refusing to sign the judgment and permitting Streicher quietly to resign his post as Gauleiter.88/ However, the Stuermer still appears.

f. Reich Leaders (Reichsleiter) and Gauleiter

Subject to the supreme authority of Hitler, leadership of the NSDAP is in the hands of the sixteen Reich Leaders (nineteen till the deaths of Huehnlein and Lutze and the retirement of Hans Frank). These constitute the inner circle of the party, with the forty-three Gauleiter composing a second influential group. The position of the Reich Leaders in the party has already been compared to that of the Reich Ministers in the state, in several instances the same person holding parallel positions in both. The position of the Gauleiter is comparable to that of the Reich Governors or Provincial Presidents, instances of personal union being common in this case also (See Appendix III). Not only does the party bureaucracy duplicate that of the state in large measure, but there is duplication within the party itself. For instance Max Amann is Reich Leader for the Press while Otto Dietrich is Reich Press Chief of the NSDAP. It is again difficult to understand the need for separate offices for Racial Policy, for Folkdom, and for Genealogical Research.

In addition to the Reich Leaders already mentioned, there are several who occupy posts of great influence, such as

that of the Leader of the Party Chancellery (Leiter der Parteikanzlei). After the flight of Hess in the spring of 1941, his position of Deputy Fuehrer was allowed to lapse. In its place, a new position was created, that of Leader of the Party Chancellery. This was conferred on Martin Bormann, a staunch Nazi since the twenties and reported to be very close to Hitler. With the probable exception of "full power 'to decide all questions of party leadership in the name of the Fuehrer'", Bormann exercises functions identical with those formerly pertaining to the Deputy Fuehrer. The NS Jahrbuch for 1943 applies to the Leader of the Party Chancellery the same words which the NS Jahrbuch for 1941 used of the Deputy Fuehrer, namely, that "All threads of party work unite in him." In addition to his personal entourage, Bormann maintains a staff with many divisions, several of them in Munich "the capital of the movement", and a liaison bureau in Berlin. He is a member of the Cabinet and of the Ministerial Council for Defense of the Reich and represents the Party in the formulation of all laws and ordinances.89/

Another who enjoys the favor of Hitler and considerable strength as well is Robert Ley. As Reich Organization Leader, he exerts influence on the regional organization of the party and divides with the Leader of the Party Chancellery supervision over such functional organizations as are not in the control of one of the other Reich Leaders.90/ Moreover Ley is head of the Labor Front, which with approximately 35,000,000 individual and corporate members is the largest single organization in Germany, with an elaborate network of connections with other functional and regional agencies. In fact, the Labor Front is so large and sprawling as, in the absence of the ablest leadership, to diminish its strength. (See also Section III, pp. 162 ff.).

Then there is Wilhelm Frick. His party position, Leader of the Reichstag Deputation, is not conspicuous. But he is one of Hitler's oldest and most trusted lieutenants, and as Commissioner General for Administration in the Ministerial Council, is in a position of great influence. Less known but strategically placed is the Party Treasurer, Franz Xaver Schwarz, who controls the property of the party and its branches and supervises the finances of its affiliated organizations.91/ Schwarz shares control of the party structure with Bormann and Ley. Since Schwarz is obviously a person to be cultivated, he is a Senior Group Leader in the SA and NSKK, Honorary Supreme Leader of Labor, and Supreme Group Leader (Oberstgruppenfuhrer) in the SS.

Only two of the Gauleiter, Joseph Goebbels and Baldur von Schirach, are also Reich Leaders. But the power of the Gauleiter remains substantial and has increased during the war. Goering's henchman, Josef Terboven, is Reich Commissar in Norway. Robert Wagner is Chief of Civil Administration in Alsace, Josef Buerckel in Lorraine, Robert Simon in Luxemburg, Siegfried Uiberreither in Lower Styria and Friedrich Rainer in Oberkrain. Heinrich Lohse and Erich Koch are Reich Commissars respectively in the Ostland and the Ukraine, under the ministry of Reich Leader Alfred Rosenberg, whose deputy is another Gauleiter, Alfred Meyer. Gauleiter Fritz Sauckel wields great influence as Commissioner General for the Allocation of Labor. (For the increase in the administrative functions of the Gauleiter, see par. 27, f.2).

Two Nazis who are neither Reich Leaders nor Gauleiter must be mentioned. Walther Funk joined the party comparatively late 1930, but as Commissioner General and Minister for Economic Affairs and member of the Ministerial Council, he is in a position of authority. His speeches during the war have

contained major pronouncements of economic policy and he took a leading part - much more so than Goering - in the economic reorganization of 1942. This brought into prominence Albert Speer, the youthful successor to Fritz Todt as Minister for Armament and Munitions, etc. Previously described as "Hitler's architect", Speer is something of an unknown, but is not thought to possess great personal force.

Biographical data are inadequate to provide a complete composite portrait of the sixty-one Nazi leaders mentioned above. But the available facts are suggestive. In August 1942, the average age was 48, Epp the oldest being 74, and Lauterbacher the youngest 33. Thirty-eight served in the first World War, 11 having been too young. Of the 38, 18 were commissioned, 3 non-commissioned officers and one a chief petty officer in the navy. At least 13 claim to have served in one of the Free Corps or similar nationalist and reactionary movements after the war. Of the 30 on whose family background data are available, 5 were of peasant origin, 23 of the middle or lower middle class and 2 were sons of officers. It is difficult to evaluate the information on occupational status because many were only commencing their careers when they joined the NSDAP. But the 50 whose activities are known were, with only 2 exceptions, engaged in middle or lower middle class occupations, with some preponderance in the latter. Twenty-one joined the party or the SA before the Putsch of 1923, 19 between the Putsch and 1930, 3 between 1930 and 1933. Here again, the youth of some and the Austrian origin of others explains why a number of the stalwarts did not formally become Nazis at an earlier date.92/

g. Regional Organization

The Nazi leaders exercise power through two great inter-locking chains of organizations, the functional and the

regional. The former is made up of para-military, occupational, educational and welfare organizations, which will be discussed in i-m below. The latter consists of the regional subdivisions from the Gau down to the "block". In the Germany of the outbreak of war, i. e. including Austria, the Sudetenland, and Memel, these were as follows:

39 Gaue (Now 42 excluding the Gau Foreign Organization)
822 Counties (Kreise)
27,989 Local Groups (Ortsgruppen)
92,696 Cells (Zellen)
481,875 Blocks (Blocks)

It may be emphasized that these are the party subdivisions of Germany, which, from the local groups upward, correspond to, often coincide with, but are not identical with, the government divisions - province or state, government district, county and community (See 27, f). For instance, Lorraine and Luxemburg are now included in the Gaue Westmark and Moselland respectively without, so far as we know, having been explicitly annexed to Germany de jure. The Gau Baden has established a branch in Alsace. For party purposes, the Protectorate of Bohemia and Moravia is divided between the adjoining Reichsgaue, whereas administratively it is a separate unit. The NSDAP has established "Activity Spheres" (Arbeitsbereiche) in Holland, the Government General and the East (Ostland and Ukraine). The Activity Spheres and their subdivisions appear to coincide in area and leaders with the administrative units.93/

The relation between the German provinces or states and the Gaue has already been discussed. With regard to the counties, the term being identical for party and state units, a reciprocal adjustment is taking place, so that the boundaries may ultimately coincide everywhere. Coincidence has already been achieved between the local groups of the party and the communities of the state.

Local groups are divided into cells, and each cell includes 4-5 blocks. Some cells formerly contained as many as 8 blocks, but these have nov been reduced, obviously to tighten control. The block, each embracing from 40 to 60 households, is the basic unit of Nazi control. Each block is headed by a Block Leader (Blockleiter), who is assisted by a Block Warden (Blockwalter) of the Labor Front, and a Block Wardress (Blockwalterin) of the Women's Association. In addition to the households, plants and other occupational units are subject to similar party supervision. Whether a member of the party or not, every German has been under the jurisdiction (Hoheitsgebiet) of the NSDAP since 1937. It is the duty of these petty officials to be acquainted personally with every single person within their units.94/ This enables the leaders to remain in close touch with public opinion and to trim their sails accordingly. The same purpose is served by the "people's conference days" (Volksprechtage), introduced in the autumn of 1942, in which some Gauleiter grant audience on the basis of written applications.95/ While the party boasts of the benevolent intention of all this supervision, its purpose is obviously that of close control.

h. Techniques of Nazi Control of the People

In a free society, men and women draw together spontaneously in a wide variety of organizations, such as churches, labor unions, lodges, political parties, trade associations, and welfare societies. Before 1933, German society contained many such organizations. These could not be tolerated by the NSDAP, which aimed at total, authoritarian domination. Accordingly, the Nazis set out to smash any such nuclei of potential opposition. Not even the family has escaped hostile attacks, such as the incitement of children against their parents or the encouragement of extra-marital sex

relationships for the purpose of multiplying the master-race. Only the churches, and these but in part, have survived the onslaught.

Having pulverized the old German society, it remained to bring the undifferentiated mass of human atoms under the control of Nazi-dominated organizations, old and new. Certain of these, such as the occupational associations, will be mentioned in the following paragraph. To take but one illustration, the labor unions - which, despite their failure in 1933, were a healthy, vigorous growth - were destroyed, to be replaced by the unwieldy fraud, the Labor Front. Artificial organizations, such as the Labor Front, cannot offer the strength and social solidarity of groups naturally and spontaneously formed. Hence the Nazi talk about community (Gemeinschaft); hence the constant, restless activity to destroy the opportunity for independent thought, which is denied its natural outlets; hence all the mass-meetings, the marching, the uniforms, to provide a semblance where the reality is lacking. "That is the technique of National Socialism - to make the action of an authoritarian apparatus appear as the spontaneous activity of the masses."

As an additional technique for manipulation National Socialism seeks to carve out from the masses certain elites who receive preferred treatment, greater material benefits, a higher social status, and political privileges. In return the elites act as the spearhead of the regime within the amorphous mass. When necessary one group can be played off against the other. The racial Germans are the elite in contrast to the peoples living around them. The National Socialist party is the elite within the racial German group. Within the party, the SA and the SS constitute further elites. And even within the SS there is an élite. The same is true of

the Hitler Youth, the Labor Front, and the civil service. The élite principle not only preserves the distinction between manual and white-collar workers but goes still further and differentiates among the working classes as well. One small body of skilled workers is raised above the level of the unskilled and semi-skilled. None of these stratifications are the natural outcome of a society based on division of labor. They are the product of a deliberate policy designed to strengthen the hold of the leadership over the masses.96/ (See Paragraph 29 and Section III,)

These techniques must be considered in connection with the comprehensive system of regional and functional organizations and control of the governmental machinery, with the skillful alternate use of propaganda and ruthless terror, and with the real and apparent successes of the régime. Only so can the hold of the NSDAP upon the German people be understood.

i. Functional Organizations: Formations (Gliederungen), Affiliated Associations (Angeschlossene Verband), Supervised Organizations (Betreute Organisationen)

The functional organizations of the NSDAP - paramilitary, occupational, educational and welfare - are divided into three groups, Of these, the "Formations" are closest to the party, though one can serve in them without thereby becoming a party-member. The formations are distinguished from the "affiliated associations" by the lack of legal personality and of the right to own property, which the latter retain.97/ The affiliated associations however, are under the financial supervision of the Party Treasurer, as are also the "supervised organizations." On the other hand, both the Labor Service and the NS Flying Corps have escaped party financial control98/ and are neither formations, affiliates nor supervised organizations. Indeed, these two occupy a position between party and state. Both are listed in the NS Jahrbuch 1941 (p.344) adjacent to

the formations, and the Labor Service is headed by Konstantin Hierl, a Reich Leader of the NSDAP. But the Labor Service is also listed in the Reich Ministry of Interior and the NS Flying Corps in the Reich Ministry of Aeronautics.99/ Many of these organizations have Gau and local subdivisions, the better to maintain their supervision, propaganda and control.

Formations

Storm Troopers (Sturmabteilungen, SA)
Elite Guards (Schutzstaffeln, SS) See Paragraph 25
NS Motor Corps. (NS Kraftfahrkorps, NSKK)
Hitler Youth (Hitler Jügend, HJ) including the Association of German Girls (Bund Deutscher Maedel, BDM) etc.
NS German Lecturers' Association (NSD Dozentenbund)
NS German Students' Association (NSD Studentenbund)
NS Women's Association (NS Frauenschaft)

Affiliated Associations

German Labor Front (Deutsche Arbeitsfront, DAF)
NS Public Welfare Association (NS Volkswohlfahrt, NSV)
NS German Medical Association (NSD Aerztebund)
NS Association of Guardians of the Law (NS Rechtswahrerbund)
NS Teachers' Association (NS Lehrerbund)
NS Organization for War Victims (NS Kriegsopferversorgung)
Reich Association of German Officials (Reichsbund der deutschen Beamten)
NS Association of German Technology (NS Bund Deutscher Technik)

Supervised Organizations

German Students' Society (Deutsche Studentenschaft)
NS Association of Former Corps Members (Altherrenbund)
German Womens' Work (Deutsches Frauenwerk)
German Local Government Assembly (Deutscher Gemeindetag)
NS Reich Physical Exercise Association (NS Reichsbund fuer Leibesübungen)
Reich Fertility Association (Reichsbund Deutsche Familie-Der Kinderreichen)100/
NS Reich Association of German Nurses (NS Reichsbund Deutscher Schwestem)101/

In order to release men and equipment for war work, and perhaps to allay criticism of the party for maintaining so elaborate a structure when the total mobilization of January-February 1943 was conscripting all available men and women for the factories or Armed Forces, the Teachers' Association, Association of German Officials and the Reich Colonial League have been closed down. In addition the Public Welfare and Medical Associations and the Organisation for War Victims have reduced their

administrative machinery[102] and the trade and industrial sections of the Labor Front have been dissolved.[103]

j. SA

Founded in 1921, the brownshirted storm-troopers played a decisive part in the rise of the NSDAP. Drawn largely from the lower middle and working classes, it was they who broke up the meetings of their rivals, attacked them in the streets or thronged into their own meetings to be harangued. They marched ceaselessly, often singing, and their uniformed formations may have satisfied a yearning for the sight of marching troops, of which the Treaty of Versailles had largely deprived Germany.

Hitler's accession to power in 1933 brought disillusionment to many members of the brownshirts. There were not nearly enough offices to go around. Instead of carrying out the pledges of the Twenty-five Points of the party program for the benefit of small merchants and others on the same social level, the economic policies of the Nazi government favored rather the big businessmen, as in the case of the "Aryanization" measures[104] The left wing of the party, strong in the SA, grew restless, demanding a "second revolution". At the same time the Chief of Staff of the SA, Ernst Röhm, cherished ambitions to amalgamate the Reichswehr (army) with the storm-troopers under his command. Finally, the years of struggle had left personal feuds which awaited settlement. The explosion came in the massacre of June 30, 1934, when Roehm was killed among many others, and the "second revolution" was nipped in the bud.

For nearly five years thereafter, the SA remained shorn of their former glory, without political influence, although busy with physical and ideological training with emphasis on military-mindedness. But on January 19, 1939, Hitler decreed that the SA should take charge of all defense training

(Wehrerziehung) which preceded (for boys of 17 or over), or followed, the period of military service, except for those assigned for a similar purpose to SS, NSKK or NSFK.105/ This decree is said to have resulted from a triangular arrangement between the army, Goering and Viktor Lutze. The latter succeeded Roehm as SA Chief of Staff and until his death in May 1943 was reputed to be a henchman of Goering. Lutze brought his brownshirts back into the sun. Goering wanted a check on Himmler and the SS, and the army wanted refuge from its political isolation after the Blomberg affair of 1938.106/

It would be erroneous to interpret the decree of January 19, 1939 as giving the SA control of post-conscription military training. This function (militaerische Ausbildung) was not entrusted to the SA but remained "exclusively in the hands of the army", where it had always been.107/ For instance, the defense detachments (Wehrmannschaften) of reservists, attached to the SA, were to be officered by men who held the rank of lieutenant in the reserve, while sub-leaders were apparently drawn from former non-commissioned officers of the army.108/ The function of the SA remained that of keeping the reservists physically and ideologically fit. The SA regained prestige however, becoming "a bridge between the party and army"109/ by the attachment to it of the Wehrmannschaften. Moreover indoctrination of recruits and reservists with Nazi ideas, carried on also in the Labor Service, was assured.

The outbreak of war caused abandonment of the SA defense training of youths and reservists.110/ Its place was taken for many reservists by mobilization. For youths between 16 and 18, the Hitler Youth took over on October 24, 1939 the work planned for the SA,111/ and this appears to have been expanded.112/ In place of these two groups, contemplated in the decree of January 19, 1939, the SA now concentrates its training

on those men who from 1919 to 1935 were deprived by the Treaty of Versailles of the period of conscript-training with the Wehrmacht. The training consists of target practice and simple field exercises (Gelaendedienst). By the spring of 1940, a million and a half men had volunteered for such training.113/ Two years later, the number had risen to "millions"114/ and it is still rising.115/

As would be expected, the SA has an elaborate organization to carry on these and other functions. In the first instance, it is divided into twenty-eight groups (Gruppen, listed in Appendix II) which are equivalent to divisions. The groups are subdivided into brigades, the brigades into Standarten (equivalent to regiments). The sub-units are as follows: Sturmbann (battalion); Sturm (company, of which there are now 13,700); Trupp (platoon); Schar (squad - 10 to 16 men. These units may be modified according to the needs of the following special branches also maintained by the SA; navy (Marine-SA), cavalry (Reiter-SA), signal corps (Nachrichten-SA), engineers (Pionier-SA) and sanitary corps (Sanitäts-SA).117/ Units of the SA have been established in the Government General, the Protectorate,118/ Alsace and doubtless also in Lorraine and Luxemburg.

Each "group" has a school for training sub-leaders. There are two schools, at Dresden and Vienna, for training intermediate leaders, and in Munich the oldest school of the party, the "Reichsführerschule der SA." For training in the special branches, the following schools are available: SA Naval Schools at Duesternbrock and Hamburg,119/ and a training ship, the "Duehnen"; Reichsreiterfuehrerschule in Berlin, Reichsnachrichtenschule in Rottenburg A.N.; Reichssanitätschule der SA in Tuebingen. An engineering school was under construction in 1939.120/

Qualifications for admission to the SA are as follows:

"1. Completion of the eighteenth year;
2. Irreproachable character and readiness to fight for the (N.S.) idea;
3. Worthiness for admission to the NSDAP;
4. Fitness for service in the SA;
5. To be of Germanic ancestry and a subject of the Reich (Reichsangehörigkeit);
6. Unblemished reputation; no police record;
7. A sworn statement concerning previous membership in any lodge and its nature;
8. A written statement concerning previous membership in a branch of the NSDAP."[121]

Since the purge of 1934, the SA has steadily lost ground in relation to the SS (See Section III, Par. 25), which were originally élite detachments of the SA, of which the NSKK is also an outgrowth. Roehm was Chief of Staff of both SA and SS. While the SS developed and expanded its own military formations, ready for active service, the only comparable SA unit was the Standarte Feldherrnhalle, estimated at a strength of five battalions or 4,000 men.[122] At the outbreak of the war, many members of this unit volunteered as parachute-troops. Others were organized as an infantry battalion, which has been engaged on several fronts. With the exception of the Standarte Feldherrnhalle, all recruits from the SA exchanged their brown-shirts for the field-gray uniforms of the Wehrmacht without insignia to indicate membership in the SA. This has not prevented them from joining the colors in great numbers. Of the 1,400,000 SA men in Germany at the outbreak of the war, it has been reported that about 70 percent have entered the Armed Forces. For SA officers, the figure is even greater, 85 percent, and for the high officers 93 percent.[123] In recognition of the war services of the SA, Hitler conferred the old title of "Feldherrnhalle" upon Infantry Regiment 271.[124]

At or even before the outbreak of war, SA detachments distinguished themselves along the eastern frontier. Danzig SA men established in June 1939 a special patrol on the Polish border, which entered the Wehrmacht as a unit on September 1st.

Silesian brownshirts formed on August 25th a Free Corps, which crossed the Polish frontier in advance of the army in order to protect industrial establishments. SA Group Sudeten rendered auxiliary service to the Wehrmacht in the Polish campaign.

Despite the heavy inroads made in its ranks by enlistment, the SA has performed many war-time services in connection both with (1) the army and (2) the civilian population. In addition to its training functions, mentioned above, these may be listed as follows: (1) guarding army property and buildings, roads, bridges and trams; facilitating troop transport; watching prisoners in camps or en route and enemy planes which had been shot down; loading munitions and supplies; mobilization and transport of horses; preparation of quarters and installation of communication apparatus; aid in care and transportation of wounded; operation of a "blood bank"; (2) guarding radio and telephone stations and important factories; reenforcement of the customs service, frontier guards and fire brigades; propaganda service of party and defense against foreign propaganda i. e. presumably snooping for listeners to foreign broadcasts; air raid warning, construction of shelters, and black out control; assistance to evacués; distribution of ration cards and of coal; harvesting and guarding the harvest.[125]

Reduced by enlistment to 30 percent of pre-war strength, burdened with these many tasks in addition to their normal occupations, their economic interests damaged perhaps irretrievably by the concentration of industry, the SA men are a cardinal illustration of the stratification which has grown within Nazi Germany (See Paragraph 29). There have been reports of dissension within its ranks and of retaliatory measures against it. Such reports lack substantiation. But

the SA has done the dirty work of the Nazi movement for twenty years with little to show for it save uniforms and insignia. The question may be raised as to how long its enthusiasm will endure.

k. NSKK

Hitler's well-known enthusiasm for motor transport is partially responsible for the construction of the great Reich Motor Roads and for the scheme for the "people's car" (Volkswagen). It contributed also to accelerating the mechanization of the German army, which in turn exploited the eagerness of modern youth for motorcycle, car or plane. Under such circumstances, it was inevitable that the NSDAP should develop an automotive formation as an auxiliary to the Armed Forces.

The leader in this development was the late Adolf Huehnlein. A Bavarian officer before 1914, general staff officer in the last war and company commander in the Free Corps. Epp, Huehnlein led the Reichswehr troops at the first public meeting in Munich at which Hitler spoke. Shortly thereafter he joined the Nazi ranks, in which he remained until his death in June 1942, although an unconfirmed report places him among Hitler's greatest enemies.[126] While on the staff of the brownshirts, Huehnlein founded the Motor-SA, which by 1934 had become an independent formation of the party, the NSKK.[127]

"The NSKK is not merely an organization of automobile owners; it is much more the union of those National Socialist warriors, who embrace motoring with joyous enthusiasm ... Corps Leader Adolf Huehnlein has expressed the military (Wehrpolitische) goal of the NSKK in the instructive sentence: 'The more advanced the stage of motorization, the greater the defense strength of the nation.'"[128]

the SA has done the dirty work of the Nazi movement for twenty years with little to show for it save uniforms and insignia. The question may be raised as to how long its enthusiasm will endure.

k. NSKK

Hitler's well-known enthusiasm for motor transport is partially responsible for the construction of the great Reich Motor Roads and for the scheme for the "people's car" (Volkswagen). It contributed also to accelerating the mechanization of the German army, which in turn exploited the eagerness of modern youth for motorcycle, car or plane. Under such circumstances, it was inevitable that the NSDAP should develop an automotive formation as an auxiliary to the Armed Forces.

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It was the work of the NSKK to develop, train and organize throughout Germany large numbers of drivers and mechanics, able to handle and repair all kinds of motor vehicles under rigorous conditions. It encouraged automobile racing, organized cross-country driving competitions and cooperated with the military authorities in influencing manufacturers to develop standard types of cars suitable for army use. After 1936, it was associated with the police in teaching the German people the rules of the road. In 1938, it lent a hand in the Sudeten crisis[129] and in 1939, it was entrusted with the task of providing training for reservists or future recruits in the automotive field. All recruits for the motorized and partially motorized detachments of the army now receive pre-enlistment training at one of the 23 Motorsportschulen of the NSKK. In addition there are the Technische Fuehrerschule in Munich and the Reichsfuehrerschule at Doeberitz near Berlin. The NSKK also gives a weekly instruction period to the motor section of the Hitler Youth[130] and is training women drivers.[131]

Thus the NSKK grew out of the SA, boasts of having "the old SA spirit"[132] and exercises a function, similar to though more specialized than, that of the SA. In the NSKK organization, Germany is divided into seven Obergruppen (North, Northeast, East, Southeast, South, Southwest, West). "Each of these large units is subdivided into a varying number of motor Gruppen, the latter consisting of a number of Standarten (regiments), Staffeln (battalions) and Stürme (companies)." An NSKK Group is maintained in the Government General.[133] There are also NSKK motorboat units, e. g. the "NSKK Motorbootstandarte Duesseldorf", which are attached to the Navy. These operate in the Rhine and the adjacent coastal waters.[134] One such unit has been stationed on a Dutch island, engaged in mine-sweeping.

(19713)

In September 1941, almost two-thirds of the peace-time membership of the NSKK were reported as bearing arms.135/ Many were in the motorized detachments of the Wehrmacht itself. Others were organized in various NSKK units which act in close cooperation with the Wehrmacht. Hence the structural relation of the NSKK to the army may be said to lie between that of the SA (see above) and the SS (see paragraph 25). Men of the NSKK manned the trucks used by Fritz Todt in the construction of the West Wall. There are now the "NSKK Transportgruppe Todt", "NSKK Transportstandarte Speer", the "Army Transport Brigade of the NSKK" and the "NSKK Motorgruppe Luftwaffe". These provide all kinds of heavy transportation for military needs from within Germany itself to the combat area, wherever material is needed for road or bridge, fortification or airfield, or where wreckage is to be salvaged. Men of the NSKK also act as military couriers. Trained in traffic regulation, NSKK units (Verkehrsregelungsbataillone) direct major troop movements from far in the rear to just behind the front. "In Brussels, in Rotterdam, in Louvain, in Sedan, Maubeuge, Ostend and Dunkirk, the brown-black uniforms of the NSKK appeared."136/

The NSKK has cooperated with Himmler's men in policing the occupied territories in Poland, Norway and elsewhere. It has assisted in the "resettlement" within the Greater Reich of the thousands of Volksdeutsche from various parts of Europe. It has helped to transport the goods needed in the German war economy, and, in place of aiding motorists on the German highways, it has worked with other organizations in meeting the difficulties and the occasional emergencies which the war has imposed on the German transportation system.

Even making allowance for Nazi boasting, the NSKK, like its parent the SA, drives home the labor and pain taken

by the Nazis in peacetime to organize the German civilian population for purposes of war.

1. NSFK

On a summer day in 1933, the Berlin billboards broke out in a sudden rash of flaming posters, which announced that hostile aircraft had flown over German soil and dropped insidious pamphlets. The indignation of Goering was apoplectic, but no convincing evidence was forthcoming either as to the pamphlets or the origin of the planes. It was in fact a hoax, designed to arouse popular enthusiasm and support for the air force, for the secret development of which Goering had obtained both funds and permission on the very day of Hitler's induction into office.

One of the instruments of Goering's program for the air force was the German Aviation Sport Union (Deutscher Luftsportverband), founded on March 25, 1933. On April 17, 1937, two years after the new air force had been openly established, the DLV was disbanded, giving way to the NSFK. This resembles the "formations" of the party previously discussed - SA, SS and NSKK - in everything save that, like the Labor Service, it is not under the control of the Party Treasurer. Instead it is attached to the Reich Air Ministry and its head, General of Fliers Friedrich Christiansen (now Nazi commander in Holland), is responsible to Goering. Members of the NSFK cannot belong simultaneously to SA, SS or NSKK, but they wear a swastika armband.137/

Save in its relation to the party, the NSFK is the aviation counterpart of the NSKK. It is, of course, responsible for the physical and ideological training of its members. But the special function of the NSFK is to make the German people air-minded, and to provide pre- and post - conscription training in everything which has to do with aircraft.

Its organization for this purpose consisted about 1940 in 17 Gruppen and 1 Brigade, including in all 69 Standarten (regiments), and the group "Lufthansa". Subsequently two new groups have been established, "Weichselland" (probably Danzig-Westpreussen) and in the Government General. The operating unit appears to have been the Sturm (company). Some of the Stuerme consist primarily of balloons and balloon-pilots. Pilot schools (NSFK-Flugzeugfuehrerschulen) are located at Rangsdorf near Berlin, Bielefeld, Hamburg, Karlsruhe, Cologne, Koenigsberg, Breslau, Danzig, Dresden, Gelsenkirchen, and Muenchen-Gladbach.138/

The aeronautical training of German youth begins with the "pimpfs" of the Hitler Young Folk, who from the age of 10 or 12 are taught by men of the NSFK to build and operate model planes. At the age of 14, they qualify for the Hitler Youth Fliers (Flieger H.J.), who are instructed by the NSFK in the construction, care and piloting of gliders. This training rises through levels of increasing difficulty. At 18, the successful aspirant, probably after completing his labor service, enters one of the flying schools of the NSFK for a six-months course, from which he is apt to be conscripted directly for his military training in the air force. At each stage of instruction, time is devoted not only to flying, but also to the theory and mechanics of flight and to the construction, care and repair of planes and motors. Discharged from the air force, the reservist returns to the NSFK, where he will continue flying in the planes or balloons of the corps and join in the instrument of a new generation.139/

At least so it was before the war. Unlike the NSKK, the wartime exploits of men of the NSFK are written not in terms of its own units but solely in the record of the German air force. This is in the nature of the case. At the outbreak

of the war "countless" NSFK-men joined the air force. Of 3,000 honorary flying-instructors, only 800 remained to continue their tasks at home. Yet these accomplished in the first seven months of the war not only as much but more than had been done in the corresponding period before the war despite the rapid expansion since the founding of the corps. Moreover, to the pre-war tasks of the NSFK in giving pre-conscription training to the fliers and technicians has been added that for the radio operators aboard the planes. This has doubled the teaching load of the NSFK.140/

m. Reich Labor Service (RAD)

(1) General

The Labor Service was established on a voluntary basis in the last years of the Weimar Republic as a means of relieving unemployment among German youth. While compelled to admit this, the Nazis insist that until 1933 the institution was miserably conceived and administered, except for the camps which the NSDAP itself maintained. Reorganized in 1933 under Konstantin Hierl, Nazi stalwart and now Reich Labor Leader, the Labor Service remained in the Labor Ministry until 1934 when it was transferred to the Ministry of the Interior "in order to demonstrate to everyone that the Labor Service was no longer a means of relieving the improvident but was to be an institution for educating the youth of Germany.141/ The position in the Ministry is, however, only nominal. Hierl administers the RAD independent of control by Frick.142/ On June 26, 1935 a half-year in the Labor Service was made compulsory for all German youth of both sexes between the ages of 18 and 25.143/ Until the war, however, the compulsion was not enforced for the girls save for those in the universities.

(2) Men

On the eve of the war, the organization of the RAD consisted of 38 Labor Service Gaue, including those in Austria and the Sudetenland. Each Gau was subdivided into 6-9 Labor Service Groups; each Group into 5-8 Divisions (Abteilungen), a Division into Troops and a Troop into Platoons (Züge). Schools to train leaders for the Labor Service were maintained as follows: for men - 19 Troop Leader Schools, 5 Field Master Schools, 5 District Schools, 1 Reich School, 4 Administration Schools; for women - 7 Camp Schools, 8 District Schools, 1 Reich School.

In five years before the war, three million young Germans passed through the RAD before entering the Armed Forces.144/ In the summer of 1939, there were about 350,000 in the Labor Service, whose labor was divided as follows: work on the land, 55 percent; construction of transportation lines, 15 percent; forestry, 10 percent; preparation for rural and municipal settlements, 5 percent; 15 percent at miscellaneous tasks in connection with the construction of dams, canals, the Reichsautobahn, etc.

These tasks were nominally performed in order to achieve the educational goal of the Labor Service as defined in the law of June 26, 1935:

> "The Reich Labor Service should educate German youth in the spirit of National Socialism to the folk-community and to the true conception of labor, above all to proper respect for manual labor."

But the real purpose of the Labor Service, as has been made abundantly clear by Hierl and others,145/ was to prepare German youth for their two-year term of military training. The six months in the Labor Service were generally served immediately prior to conscription. In the labor camps, the future recruits were hardened physically, accustomed to living in groups under military discipline and given a thorough indoctrination in

Nazi ideas. It is not surprising that since the outbreak of war, various weapons have taken the place of the spade in the Labor Service drills.146/

In 1938 and 1939, units of the RAD assisted in the construction of the West Wall. This anticipated the war work of the Labor Service, which has paralleled that of the NSKK. At the outbreak of war, most of the RAD units were transformed into construction units (Baueinheiten) in and under command of the army. From reserve detachments of the RAD, these units were recruited from 200 up to 400 or, in some instances, even 600. Their function was "to assist the combatant troops in anything and everything which did not pertain directly to fighting." Many of them, however, came under fire.

On December 20, 1939, Hitler ordered that the RAD should revert to its previous character as an independent organization and continue as such during the war. Commencing three months later, a large number of RAD divisions (Abteilungen) with their staffs have been assigned to the army, air force and navy. These retain their identity as units of the RAD. When engaged with the Wehrmacht in military operations, however, they are under the orders of the area commander and are also subject to the disciplinary regulations of the Wehrmacht rather than to those which have been developed for the RAD itself.

The Labor Service men operating with the Wehrmacht are normally organized in companies and battalions under the direction of a "section construction staff" (Abschnittsbaustab) and an Oberbaustab. Special formations have also been set up; construction companies (Baukompanien), construction columns (Baukolonnen), heavy road construction companies (schwere Strassenbaukompanien), railroad construction companies (Eisenbahnkompanien), supply companies (Nachschubkompanien), and air force construction companies (Luftwaffebaukompanien).147/

These terms indicate the functions which the RAD units with the Wehrmacht have performed "all along the German front from the Spanish frontier to Narvik" and from Leningrad to the Caucasus. Other divisions have been at work in the occupied areas. In his speech of April 26, 1942, Hitler paid tribute to the RAD men who during the winter campaign of '41-42 had fought "alternately with spade and gun.[148]/

Relatively few divisions of the RAD have remained at home. These have been engaged in pressing tasks on the land, and in constructing new RAD camps in the old Reich and in the annexed territories. They have also taken part in the work of clearance and reconstruction after air-raids, tasks which may be expected to occupy them in increasing numbers.

In Slovakia, Norway, Holland and other occupied or satellite countries, labor services on the German model have been set up. The Reich Labor Service maintains representatives in these countries, from which also a certain number of youths are selected for training in the Reich.

(3) Girls

At the outbreak of war, the RAD for girls numbered only 36,219. But on September 4, 1939, the Reich Labor Leader was empowered to draft into the RAD all unmarried girls who were not engaged in a profession or in farm-work or getting an education (apparently reversing the previous practice). That is, the obligation for girls to serve six months in the RAD, enacted in 1935, was with these exceptions to be enforced. By April 1940, this had raised the number of girls in the Labor Service to about 100,000[149]/ and there are believed to be more now. Moreover, the term of service has in effect been extended to a year. Shortly after the attack on Russia, it was decreed that at the end of their half-year in the RAD, girls should continue for six months more in the

"Auxiliary War Service" (Kriegshilfedienst).150/ The relation between the two terms of service has subsequently been accommodated to the seasons. During the "hoe crop harvest", girls remain seven months in the RAD, followed by five months in the Auxiliary War Service. For those entering the RAD in the autumn, the length of the periods is reversed.151/ In addition to these forms of labor service, an obligatory year of work (Pflichtjahr) has since December 1938 been imposed on certain categories of girls under 25.152/

After a period of preliminary training in their camps, the RAD girls are assigned to needy households with many children, where they perform all kinds of tasks indoors and out. Before the war, 76 percent were engaged in this kind of work in the country, 13 percent in the city; 6 percent were in kindergarten work, and 5 percent in miscellaneous tasks. Since the outbreak of war, the RAD girls have helped some of the newly resettled women.153/

Auxiliary War Service was first performed in the winter of 1941-42 by some 47,000 RAD girls. Of these, 61 percent served with the Armed Forces and public authorities or in the transportation system, as tram conductors, etc.; 35 percent served in civilian and military hospitals, institutions of the NS Public Welfare Association and of the Children's Evacuation Scheme (Kinderlandverschickung); the remaining 4 percent served in families.

During the following service period, employment conditions were materially changed. In April 1942, RAD girls in the Auxiliary War Service were drafted into the armament industry. In the period beginning then, 60 percent of them worked in offices and armament factories, in ammunition plants and the transport system; 13 percent served in offices of the Armed Forces, including the supply services, and in ambulance depots helping to insure supplies for the

front and for the Red Cross. Some performed important duties for the front and for the homeland as auxiliary signalers or wireless operators. 11 percent served in military hospitals; 5 percent worked in the Welfare Association and relieved mothers working in war factories of the care of their children; 11 percent saw service with branch offices of the German authorities in occupied territories, including new districts in the East, where many have been employed as assistant teachers.154/

n. Party and State

Although on December 1, 1933 the unity of the NSDAP and the German state was proclaimed, this unity has not yet been completely realized. The party has existed quite apart from the state. It has its own courts. Party property is not subject to taxation. Party institutions such as the SS and the Hitler Youth, although performing state functions, are exempt from state control. On the other hand, the NSDAP has never established complete control over the Wehrmacht.

There is no generally accepted National Socialist theory of the relation of party, state and people. The totalitarian conception of the state is absent from Mein Kampf. In 1934, however, Hitler did in fact espouse it as a weapon against those Nazis who were clamoring to control everything. No sooner was it perceived that a totalitarian state logically implied the absorption of the NSDAP than Rosenberg attacked the conception. Hitler also abandoned it in favor of a separation of the two institutions. A new conception of the relationship, evolved by a leading Nazi theorist, Carl Schmitt, aroused protests because it reduced the people to political passivity.155/ Yet it is clear that the people have been deprived of all accepted channels for political activity.

Until the outbreak of war, it was generally understood that the party was to supply the political impetus and the directives, which the administrative machinery of the state would

execute. The distinction between the functions of party and state was asserted as late as the summer of 1942,156/ and may be heard again. But this has been gradually broken down by the encroachment of the NSDAP upon administrative functions. There is a marked tendency to employ the party as a means of securing the smooth collaboration of all the branches of the government. It has already been indicated that this tendency showed a sharp increase in 1942, both in the appointment of party officials to state offices and in the transfer of administrative duties to party officials per se. (Par. 27, c. 1 and f. 2-3). The logical result of this process would be the complete amalgamation of the administrative units and offices of the state with those of the NSDAP.

c. Party and Army

(1) 1918-1933.

Prior to the Armistice of 1918, the officers of the German army and many of the enlisted men were imperialist and monarchist. Under the Weimar Republic, the officer corps maintained an outward policy of neutrality, regardless of the form of the state and of the parties in power. This policy was exemplified by General von Seeckt, Chief of the Army Command. In the crisis 1923-24 Seeckt received full powers from the republican regime on November 8, 1923. Yet although he had earlier toyed with the idea of a military dictatorship, then with the plan of a Reich directory,157/ he refused to place the Reichswehr at the disposal of any rightist organization. The influence of Seeckt's precedent has not yet entirely ceased.

Yet beneath their seeming neutrality, the officers of the Reichswehr were in fact hostile to the republic as well as to the Treaty of Versailles. This was particularly true of the disarmament clauses of the treaty, which the Reichswehr violated by every means in its power.

Moreover, hostility to the republic and to the treaty was a bond between the Reichswehr and the NSDAP. In the early days of the republic, friends and members of the NSDAP occupied influential positions in the Reichswehr, especially the 7th Bavarian Division, whose Commander of Infantry was Ritter von Epp, now a Reich Leader and Reich Governor of Bavaria. Attached to von Epp's staff was Major Huehnlein, now deceased, formerly leader of the NSKK. The illfated Captain Roehm was a member of the divisional general staff.

By 1924 these officers had been relieved from active duty. Yet this by no means destroyed the bond between Reichswehr and NSDAP. Whatever their differences in outlook and despite Hitler's professed devotion to peace, the officers saw in the militant nationalism of the party and its marching formations, and in Hitler's bitter denunciations of the republic and of the "Versailles Dictate" a means of throwing off hated shackles. An historian generally sympathetic to the Reichswehr states that "Although the Reichswehr had not been consulted about Hitler's appointment . . . it was undoubtedly the main factor in the coalition of heterogeneous elements which combined in the notorious 'national rising' of January 30th (1933)".158/

(2) 1933-39

Whatever the role of the Reichswehr in the establishment of the Nazi regime, the army hoped for great expansion while also preserving its aloofness from the NSDAP. In the latter, it reckoned without Hitler and also followed a different course from that of the air force and the navy. The air force, a new creation of the Hitler regime, had no tradition. It was founded by Hermann Göring, who saw to it from the beginning that it was National Socialist and loyal to himself. The navy of 1933 was led then as until the autumn of 1942 by Admiral Raeder and was insignificant both politically and in the point of sea-power. Raeder decided that the only way to obtain appropriations for

new ships was to make the navy out and out National Socialist. At once he visited personally every ship and naval establishment, assembled the officers and offered them the choice of honorable retirement or National Socialism. All but a few accepted National Socialism. In consequence of this prompt action the navy has been undeviatingly and positively loyal to Hitler.159/

After 1935, the army was rewarded by unprecedented expansion for whatever assistance it had given to the rise of the Nazis. Yet expansion had its price. The very speed and extent of rearmament diluted the old army, officers and men, with a flood of newcomers. Most of these were rigorously indoctrinated by the Nazis in Hitler Youth, Labor Service, SA, etc. Of the SA alone, 989,000 have served in the Armed Forces since the war began.160/ Add to these the quasi-independent units of the Labor Service and the NSKK which are serving with the Wehrmacht, as well as hundreds of thousands of other men who have been trained in party "formations" before joining the colors. Then even without speaking of the SS, it becomes apparent how far the Nazi tide has risen in the Wehrmacht.

Moreover, despite the hopes of the officer corps, Nazi penetration of the army has proceeded from the top down as well as from the bottom up. Baron von Hammerstein-Equord, Chief of the Army Command (Chef der Heeresleitung) at the accession of Hitler, disliked both Hitler and National Socialism. Political conditions forced him to tolerate both, but he sought to remain aloof from the NSDAP. Hammerstein was succeeded by Baron von Fritsch on February 1, 1934.

Under Fritsch, the army had its last victory over the party in the purge of June 30, 1934, when Roehm's plan to amalgamate army and SA was blotted out (see j). Even this was but a partial victory, for the officer corps acquiesced in the murder of two of their own comrades, Schleicher and Bredow, on the same day - something which would never have been tolerated from the republic.

Fritsch was an excellent soldier and a poor politician. He liked Hitler but disliked the NSDAP. Under Fritsch, the army was politically leaderless. A National Socialist attitude was not required of army officers, who were permitted to express their political views according to conviction. This necessarily led to quarrels with party bosses.

The inevitable came on February 4, 1938 when the army was reorganized, bringing it into the same positive political line already taken by the navy and air force. At the same time, the ideal of German strategists, the unity of command over state and army, non-existent since Frederick the Great, now approached realization. Hitler as Supreme Commander of the Armed Forces assumed the role assigned to the Feldherr in the Ludendorff[161] concept of "total war." Keitel became Chief of Staff of the High Command of the Wehrmacht. Also in consonance with Ludendorff's views, the High Command of the Armed Forces assumed the functions of the Reich War Ministry and Keitel was commissioned by Hitler to exercise the prerogatives of the Reich War Minister. The High Command of the army was headed by von Brauchitsch, who, like his predecessor, was 100% soldier and unpolitical by nature. At the same time there was a shake-up in all ranks of the officer corps down to and including colonels.[162]

Later in 1938, after the triumphant occupation of Austria and the Sudetenland, the army was forced to eliminate the religious character from the soldier's oath, which had been a zealously guarded source of power.

But it cannot be said that the NSDAP gained complete control of the army before the war. For all that had occurred since 1918 to draw or force the two together and to increase the influence of the party in the army from both above and below, the army still retained its independence within limits. Membership in the party is suspended during a man's period of enlistment, although attendance at party meetings has of late been permitted. Members of the Armed Forces are not subject to state or party

courts, but to military tribunals. Abolished under the republic, this separate jurisdiction was restored by Hitler and reaffirmed in his decree of March 21, 1942. The SS, on the other hand, has its own courts, which retain jurisdiction over the Waffen SS.

(3) The War

The war has accelerated the interpenetration of army and party, with the influence of the party tending to increase until the army is probably no longer capable of independent action. The victories in Poland, in the west and in the Balkans yielded laurels enough for all. Failure to destroy the Russian armies in 1941, however, caused Hitler to remove von Brauchitsch as Commander in Chief of the Army on December 19, 1941 and to assume the command in person. This was consistent with the general tightening of party control which characterized 1942. Failure of the second campaign in Russia had a similar result. Late in 1942, Colonel General Franz Halder, an able officer from the old army, was superseded as Chief of Staff of the High Command of the Army by General of Infantrie Kurt Zeitzler.[163/] Although known as a protege of Hitler's, Zeitzler is reported to have gained prestige in the successful retirement from the Donbas and the counter-offensive on the Donetz leading to the recapture of Kharkov. According to a report of April 30, 1943 Hitler is still in personal command of the army with Zeitzler as his Chief of Staff. On the other hand, the disasters of Stalingrad and Tunisia, together with the mounting power of the United Nations, may well cause Hitler to rely more heavily on officers, such as Halder, who were trained in the conservative German military tradition.

Accompanying these changes in the High Command has been a sharp increase in the power of Himmler and the SS. The numbers in the Military SS (Waffen SS) have risen, being recruited both in Germany and in satellite lands. (See Section III, par. 25).

In the spring of 1942, Himmler was reported to have won a significant victory in the extension of the SS-Security Service (SS-Sicherheitsdienst) to include army personnel.[164] According to the report, every German Army now has a SS-Sicherheitsdienst and that in matters of all military personnel the chiefs of these Army S.D. report directly to the SS-Sicherheitsdiensthauptamt in Berlin. As is well-known, this latter office is subordinate to Himmler, whose headquarters are now attached to those of Hitler. Latterly, it is said, Himmler has been receiving reports on army personnel direct from the chiefs of the units of the Army S.D. Officially, these units of the Army S.D. are charged with maintaining political security and with counter-espionage within the area of their respective armies; unofficially, they keep a close watch over the morale of all ranks of the armies themselves. Since this network of secret agents, composed of the members of the General-S.S., exists in all units of the army and among the local population, all ranks of the German Army know that they are being spied upon. Precisely what the effect of this invasion of the SS-Sicherheitsdienst into the province formerly assigned to the Geheime Feldpolizi will have upon the army as a whole, it is too early to predict. It is reported, however, that the relations between the army officers and the members of the Army SS-Sicherheitsdienst are extremely hostile.

According to more recent reports, Himmler has also succeeded in encroaching to some extent upon the domain of Admiral Canaris, one of Germany's mystery men, who heads the joint intelligence section (Abwehr) of the Supreme Command of the Armed Forces.

Such differences between party and army must not obscure the more important, though incomplete, amalgamation of the two institutions which has taken place since 1933. Interpenetration has been a reciprocal process. If the men and influence of the party have extended deep into the army, on the other hand the

army has contributed able officers to the ruling group which now dominates Germany - such men as Keitel, Thomas and General von Hannecken, until recently head of a key department in the Ministry of Economics and now commanding German forces in Denmark. To these names can be added others, such as the five members of the Armament Council. These men have joined their fate with that of the strictly party leaders and others in the present rulers of Germany (see Paragraph 29). Differences may remain but are outweighted by the common stake in victory or defeat. Victory would crown their gains. Defeat will not only drive them back within the German frontiers but will reinvigorate the social forces which they first conspired to destroy.

Besides the army members of the ruling group, there are doubtless high officers, such as Halder, whose commitment to the Nazi cause is not so complete. Their pride of profession and caste and their traditional standards may have been injured by the intrusion of the Nazis. It is reported that they have opposed the worst atrocities committed by the SS in occupied countries, for example, that they have tried to protect the churches in certain areas. But the loyalty of those officers to Germany is above suspicion. For this reason alone, they would long hesitate before an open breach with their leaders which would invite defeat. This reason is reenforced by the fact that defeat threatens Germany and its Armed Forces with a harder lot than the democracy of the Weimar Republic and the armament restrictions of the Treaty of Versailles, opposition to which first drew party and army together.

With regard to the lower officers and enlisted men, generalization is more precarious. There is doubtless wide variation in loyalty to Hitler and the regime, according to age group and social origin, between those who shared the victories of 1939-41 and those who have known only adversity

in the Russian winters or in Tunisia. Yet Hitler undoubtedly commands such support from his soldiers as William II never enjoyed and this not only from the more than a million party men in the ranks. Continued defeat may cause this loyalty to waiver. Hitler can always fall back on the Military SS to maintain discipline. But when this occurs, it will be the beginning of the end.

29. The Rulers of Germany

a. Introduction

The National Socialist Party transformed the political organization of Germany into an instrument admirably adapted to fighting against opponents within Germany and against foreign countries. All other parties were abolished and all elements in the country were forced to serve the Nazi conception of German interests. The German workers, most determined opponents of the NSDAP, were forced or cajoled at least into passive acquiescence in the regime. German youth provided the most enthusiastic support. Hitler as the Führer occupies the supreme position in party, army and administration, and with the party as his main agent of popular control he has acquired the power necessary for quick decisions on vital problems. The leadership principle of government makes for vigorous action. Since the effectiveness of this principle depends upon the presence of an instrument of execution, the Nazis created a highly centralized administrative apparatus and destroyed or coordinated with it all local and state governments and functional organizations so as to remove all public control. The Führer can utilize this agency speedily and efficiently.

This form of political organization allows a flexible adaptation to various kinds of political situations. The leadership principle, combined with Nazi racial theory, lends itself easily to imperialistic rule. The Nazi political ideal and practice are permeated with militarism, which as soon as feasible sought foreign victims. Then the Nazi political forms were immediately applied to the rule of conquered foreign peoples. The Nazi criterion in government, as in other spheres, is success.

b. Emergence of the Ruling Group

The National Socialist Party had its origins in the middle class, particularly in the petty bourgeoisie. While the movement from the first attracted other social elements, officers, peasants, industrialists, etc., the nature of the party in its early days was determined by the frustrations of the lower middle class - their economic insecurity and social pretensions, their anti-intellectualism and their nationalism, embittered by defeat.

Even before Nazi rule of Germany began on January 30, 1933, however, the party had established relations with other social or institutional groups, the development of which was profoundly to influence and alter the character of the Nazi regime. Whatever their other differences, the Reichswehr of the Weimar Republic was drawn to the Nazis by common antagonism to the Republic and the Treaty of Versailles. Behind Hitler's unremitting professions of devotion to peace, officers correctly thought to see the means of winning such popular support for the armed forces as William II had never been able to arouse. Likewise, behind the anti-monopolistic phrases of the Program of the NSDAP, German entrepreneurs discerned hostility to labor unions and to socialism, which would serve them well. Big land owners supported and even joined the party, which in 1928 at Hitler's insistence had changed the so-called "unalterable" party program so that it no longer advocated expropriation of landed property.

Moreover, upon their accession to power, the Nazis were careful not to wreck the existing structure of the German administration and economy, lest they should have to start building anew from little or nothing. Hitler knew that the temper of the majority of the German people was not revolutionary but that they were gullible enough to accept orders from an authority which appeared to be legally established. Moreover,

the Nazis intended to rearm. This meant they had to win the cooperation of the civil servants, the industrial experts, technicians and skilled laborers, who were to maintain the efficiency of the enormously complicated administrative and industrial apparatus. Hence, although the Nazis removed thousands of political and professional leaders and hundreds of thousands of "non-Aryans", the bulk of the conservative administrators and officers, scientists, engineers, and skilled laborers were left in their positions.

c. Consolidation of the Ruling Group

In short, at the outset of the Nazi regime in 1933, ranged alongside the NSDAP, if not actually supporting it, were many members of the armed forces and the bureaucracy, big business and the technicians. Relations which at the beginning were often tenuous or worse have been strengthened by six years of peace and four of war. Rearmament under Nazi auspices gave the Wehrmacht an opportunity all but unique. How could the officers' tradition of the imperial army withstand the attraction of such an expansion and the victories of the new army? Although regimented, big business has been richly favored too. The free labor movement was quickly smashed, as was to have been expected. But instead of attacking monopolies, as called for by the party program, the Nazis have accelerated their growth. Jewish property was "aryanized" to the benefit not of the small business but of the large. Rearmament was so carried out as to exert greater influence in the same direction. The war has brought about even greater concentration of industry. "Germanization" of foreign property in occupied Europe added to the wealth and power of the industrial monopolists. In this long development, a climax was reached in the winter of 1943 when thousands of small businesses were ordered closed in order to force their owners, members of the very class in which Nazism arose, into factories or armed forces.

This process, by which leaders of the armed forces, entrepreneurs and civil service have been established with the NSDAP in the constellation of forces now ruling Germany, has been paralleled by a second, the emergence of elites within the NSDAP itself. Real power in the party is centered in Hitler and a small group of men close to him. In addition, the rest of approximately sixty Reich Leaders and Gauleiter and several hundred or more others hold positions of influence. This does not exhaust the list of party officials, which runs into thousands, or that of party members who have benefited from the regime, which is even larger. But power and prestige have generally concentrated in those at the top. To the ordinary party member is left a variety of onerous tasks, while, as indicated above, his business may have been swept away. Under these circumstances, pride in his membership must be great to sustain him in the long hours on duty as member of the SA or Rural Guard (Landwacht) or fire-brigade or Welfare Association (NS Volkswohlfahrt). It is not surprising that it should have been necessary to upbraid party members for declining zeal and to threaten the lukewarm with expulsion.165/

Accompanying the emergence of the elite in the NSDAP, there has also taken place a process of interpenetration and amalgamation between them and the leaders of Wehrmacht, business and bureaucracy. If the Wehrmacht has provided men like Keitel and Thomas and Hanneken for the ruling group, the NSDAP can claim to have endowed the Wehrmacht with a Goering and a Rommel, not to mention the commanders of the Waffen SS. Goering has become an industrial leader too. So have Hans Kehrl and Fritz Sauckel, matching such entrepreneurs as Wilhelm Zangen, Ernst Poensgen, Hermann Roechling and many others who have strengthened their own industrial positions while becoming

pillars of the Nazi economic regime. From the technicians came Fritz Todt the engineer and, since his death, Albert Speer the architect. From the pre-Hitler bureaucracy come the present Ministers of Transport, Post and Justice, Meissner as Chief of the Presidential Chancellery and Lammers as Chief of the Reich Chancellery. But Nazi stalwarts hold important administrative posts also, as Frick and Stuckart in the Ministry of the Interior, Backe as Acting Minister of Food and Agriculture, or Sauckel again as Commissioner General for the Allocation of Labor.

It is these men and others who, always subject to the Fuehrer, dominate the key institutions in Germany today. For instance, the Ministerial Council for Defense of the Reich includes men from party (4), armed forces (1) and civil service (1). The Armaments Council (Rüstungsrat), appointed by Speer in the spring of 1942, consists of five officers and eight industrialists. The supervisory board of the Continental Oil Corporation, organized in 1941 to exploit German oil properties outside the Reich, includes representatives of the party, industry, the military bureaucracy, and the civil service.

d. Agencies of Control

It follows from this analysis that, to understand the Nazi regime today, one must look beyond the specifically political institutions which are sketched in this section. Control is exercised through a tightly knit, if highly involved, system of political, economic and military institutions, power over which resides in the ruling group at the top. Consider, for example, the German Labor Front, which on December 31, 1942 had 25,175,443 individual members and 10,700,000 corporate members. To take another instance, the economic organization is not to be understood without the Autonomous Organization of German Business, an elaborate structure of "groups" and

"chambers" (the latter now largely dissolved or combined in the Gau Economic Chambers) by means of which business men carry out the orders of those in control. It may be emphasized that, granted the regimentation which is imposed, it is the business men themselves who put it into effect. (On this question see Section V, Paragraph 33).

e. Rulers and Ruled

It also follows that to the distinction between party and non-party men, there must be added that between rulers and ruled. Broadly speaking, all members of the ruling group are to be considered as "Nazis". Probably all of them have officially become members of the NSDAP. But for those who have entered the elite through other channels than the party, party membership is less significant than their present eminence and perhaps less important than their earlier connections. On the other hand, as already suggested, the prestige of party membership alone may no longer compensate for the obligations which it entails, particularly if in addition economic independence has been lost. In sum, the distinction between rulers and ruled cuts across, if it does not transcend, that between members and non-members of the NSDAP.

f. Persistence and Weakness of Old Affiliations.

This is not to argue that within the ruling group a stable equilibrium or complete fusion has been achieved between the party men in the narrower sense and those from the civil service, business or the Wehrmacht. In each of the latter, older traditions are still in evidence, which the Nazis have not yet succeeded in rooting out. Inevitably, in some occupations and professions the continued homogeneity of their membership produced a greater ability to maintain something of the old-time codes of honor. The officer corps, groups of the high

bureaucracy, the industrialists, certain church groups, many workers and peasants have preserved a closer connection with the older ideals of Germany than the rest of the people.

The potential significance of such deviating group tendencies should not be exaggerated. With the exception of the churches, all their former organizations, from trade unions to retired officers' clubs, have been dissolved or brought under Nazi control. It is impossible for them to express their views as groups. Not one of these groups is united in itself, or capable of gaining any mass following. Moreover, as the Nazis realize, nationalism makes most of these groups forget their opposition to some of Hitler's policies. They are ready to admit that Hitler has done some quite extraordinary things for Germany, and all they hope for is an evolution of party doctrine in the direction of moderation. Most of these groups would be ready to support Hitler against factions in his own party if he chose to attack the latter. It is obvious, for example, that the army liked and possibly instigated Hitler's "liquidation" of the brownshirts in 1934. No condemnation of Hitler's methods of foreign policy and warfare has come from any of these groups, including the church leaders.

Nonetheless, since early in 1942 as before, there has been unmistakable evidence of friction between the NSDAP and other components of the ruling group. (See Paragraphs 27, d. 5 and 28, o, 2). The situation remains fluid, with the war imposing pressures in addition to those within the constituent elements of the elite.

g. Power Politics.

Until the assault on Russia in June, 1941, the war unquestionably increased Hitler's strength. On the other hand, the prestige of the local party despots may have

declined in the same period relative to that won by the victories of the armed forces and the achievements of the bureaucracy in meeting new problems at home and in the occupied areas. The entrepreneurs of course flourished, as they expanded their corporations and cartels into the conquered lands.

The failure to smash Russia in 1941 made 1942 a year of change in the high command, the administration, and the economic organization. Generally speaking, the NSDAP widened its sphere of action and tightened its controls, as though preparing against the deluge. Displacing von Brauchitsch, Hitler assumed personal command of the army. The Waffen SS were expanded and Himmler's Sicherheitsdienst was permitted to spy upon and within the ranks of the Wehrmacht itself. The administration of justice was revamped, a compromise resulting here between the radical Nazis and the older traditions of the judiciary. The distinction between the administrative function of the bureaucracy and the party's function of Menschenfuehrung (literally, human guidance; in Nazi practice, mass manipulation) was further broken down, as the Gauleiter assumed more administrative powers and the party Gaue took the place of some older units of regional administration (See Paragraph 27, f, 2). In the economic sphere, the death of Fritz Todt and his succession by Albert Speer as Minister of Armament and Munitions was followed by a radical transformation. Here, too, the Wehrmacht yielded ground when General Thomas, head of the influential Wehrwirtschaft u. Rüstungsamt divided certain controls with Speer. On the other hand, the entrepreneurs continued to maintain their influence. Indeed they even increased it, for the allocation of raw materials and orders and even the fixation of certain prices have been transferred to offices which are held or controlled by leading business men. Within the

party elite there were changes too, as Darré, Minister of Agriculture, disappeared and Martin Bormann, Leader of the Party Chancellery, and Fritz Sauckel gained new prominence.

In general, then, events in 1942 enhanced the role of the party and of big business, while that of the officer corps and, more notably, of the civil service somewhat declined. It is too soon to estimate the effect of Stalingrad, Tunisia, and the ever-increasing fury of the air-raids upon the balance of power within Germany. There are many reports of a sharp decline in the prestige of the NSDAP. It does not appear improbable that recent military defeats will have revived the influence of conservative officers of the old army as against that of Hitler and his henchmen. However, not only is the general supremacy of Hitler still above challenge but there can be no doubt that among the leading groups in Germany today the NSDAP remains by far the most powerful. If for no other reason, this follows from the all-pervasive and ruthless apparatus of mass-manipulation and terror which the party has developed in ten years of unchallenged control and is still perfecting.

h. All in the Same Boat.

Furthermore, it must be remembered that, as already indicated, the party leaders are supported by members of the ruling group who are leaders in other spheres of German life. There are limits to this support, as has also been suggested. But from whatever spheres they may derive, the rulers of Germany have staked their future upon victory under the swastika. They would be the great gainers if Germany won - their gains are already obvious. On the other hand, they stand to lose too much in the event of defeat. Some will try to hedge, to find a way out. But unless "appeasement" raises its head again, they are too deeply committed to the

present regime to escape the consequences of defeat. Awareness of this will make them shrink from jeopardizing the regime.

It is even possible that in a final effort, the ruling group may seek to rally the people to a last-ditch defense by sweeping measures of socialization. Faint notes of such an appeal, though quickly muted, have been discernible in speeches of Goebbels and Ley in 1943. Such a step is, however, improbable. It would reverse much of the development of the regime since 1933. It would alienate able and influential men whose cooperation has been found indispensable thus far. It would create confusion hampering the conduct of the war. But the possibility cannot be entirely excluded.

REICHSTAG ELECTIONS (in thousands)

	May 20,[166] 1928	Sept. 14[166] 1930	Nov. 6[167] 1932	March 5,[167] 1933	
Total Votes Cast	30,753.3	34,970.9	35,471.8	39,343.3	%
Deutschnationale Volkspartei (National Conservatives)	4,381.6	2,458.3	2,959.0	3,136.8	7.97
NSDAP	810.1	6,409.6	11,737.0	17,277.2	43.91
Deutsche Volkspartei (National Liberals)	2,679.7	1,578.2	661.8	432.3	1.10
Zentrum (Center)	3,712.2	4,127.9	4,230.6	4,424.9	11.25
Deutsche Staatspartei (Democrats)	1,505.7	1,322.4	336.5	334.2	.85
Sozialdemokratische Partei (Social Democrats)	9,153.0	8,577.7	7,248.0	7,181.6	18.25
Kommunistische Partei (Communists)	3,264.8	4,592.1	5,980.2	4,848.1	12.32
Bayerische Volkspartei (Bavarian)	945.6	1,059.1	1,094.6	1,073.6	2.73
Other Parties	4,300.6	4,845.6	1,224.1	634.6	1.61

April 10, 1938 Vote on Anschluss with Austria[168]	
Total Votes Cast (including Austria)	44,964.2
Valid Votes	
Yes	44,451.4
No	443.0
Total	44,894.4
Percent of Yes Votes	99.01
Invalid Votes	69.8
Total Number with Right to Vote	45,150.4
Percentage voting of those with right to vote	99.59

(19713)

30. The Stability of the Regime

a. General Remarks

In the past ten years the Nazi regime has shown its stability. It survived the purge of 1934, and since then its position has been progressively strengthened, at least until very recently. Within Germany itself there is no open opposition except that of the churches, which is not political. Any underground movements are weak and localized. There is, therefore, no reasonable ground for expecting a collapse of the regime from internal forces alone. Overthrow of the regime may be expected only as the result of a long war of exhaustion or decisive military defeat.

b. Latent Anti-Nazi Forces

It is impossible to calculate accurately the strength of the latent anti-Nazi elements in Germany. Almost ten years have passed since the election of March 5, 1933, which provides the only factual index. (See table.) On that occasion the Nazis polled only 17,277,200 or 43.9 percent of the total popular vote. The combined vote of the major opposition parties - the Catholic Center, the Social Democrats, and the Communists - was 16,454,600 or 41.8 percent of the popular vote. This opposition, though divided, was almost as numerous as the Nazis themselves. It is fairly certain, however, that no such strong opposition survives in Germany today. Both Socialist and Communist leadership was seriously discredited by the refusal to risk an open break with the regime. Even the Social Democratic trade unions were no longer in a position to declare a general strike as in 1920. The large Communist voting strength of six million in 1932 in no sense corresponded to the actual strength of the party, since millions voted Communist rather from dissatisfaction with the ineptitude of Social Democratic leadership. Both of these parties have been thoroughly disrupted, and their emigre leaders in Great Britain and the United States must be regarded as all but

completely discredited at home. The same is true, though perhaps to a lesser degree, of the Catholic Center and of former Chancellor Bruening. Their efforts to meet the problems created by the depression of 1932 were ineffective. Hitler on the other hand abolished unemployment, and the remarkable successes of his foreign policy after 1933 increased his popularity. If not as unanimous as sometimes depicted, German youth gave him enthusiastic support. It should be remembered also that when it was a matter of the Polish Corridor or the Austrian Anschluss, the German masses were nationalist before they were either socialist or communist. Yet it would be a mistake to conclude from the vote of April 10, 1938 on the Austrian Anschluss that 99 percent of the German people stood solidly behind the Nazi regime.

Although Nazi domestic policies irritated in turn industrialist and worker, peasant and shopkeeper, Protestant and Catholic, Bavarian and Austrian, reports of widespread active discontent before the war should not be taken seriously. The German people accepted the war without enthusiasm but also without protest. It would be a serious error were a belligerent to accept a report of February 1941 that Hitler could rely with certainty only on some half million professional Nazis, men who owe their livelihood directly or indirectly to the party organization.

The absence of concrete data on the strength of anti-Nazi forces within Germany does not detract from the fact that such forces do exist. Between one and two million Germans have themselves been in the concentration camps. It is true that the Protestant and Catholic Churches have not opposed the war and that neither, particularly the former, has an otherwise unblemished record. (See Section III, Paragraph 24). But both churches have resisted Nazi efforts to coordinate or destroy them. They have offered courageous criticism of Nazi anti-Christian ideas and practices. Insofar as it was possible to do so without inviting

disaster, they have sought to protect and aid the Jews and to lend support to the churches in occupied lands.169/

Unsuccessful though it was, the most determined opposition to the rise of the Nazis was offered by the German labor movement, the unions and the Social Democratic Party. Demoralized by failure in 1933, their organizations pulverized, the German workers have been coerced and cajoled into at least passive acquiesence in the regime by a skillful combination of full employment, social security benefits, propaganda and terrorism. Before the war, there were underground labor movements from which the Nazis took a heavy toll. Since the war started and particularly since Pearl Harbor, evidence on this subject has become so fragmentary as to have little meaning. The fact remains that, more than for any other social group, the interests of the German workers are antagonistic to those of their Nazi rulers. A revolt of the workers against the regime is too much to hope for. Support for the United Nations to the extent of slowdowns and occasional sabotage is not. But up to the present, there has been, in contrast with occupied countries, no considerable sabotage or decline in labor productivity.

c. 1942-43.

Changes in the German propaganda line in the autumn of 1941 indicated that the failure to destroy the Russian armies had affected the home front. Added to the continuing privations and mounting losses of the war, events since September 1942 - disaster before Stalingrad and in North Africa and the increasing fury of allied air-raids - have influenced German morale much more adversely. Early in 1943, "total mobilization" was decreed in order to provide the man-power necessary for Armed Forces and factories. To win popular support for this drastic measure, Goebbels made a virtue of necessity and for a time followed a propaganda line of "strength through gloom." Reports indicated that this weakened German confidence in their official news releases, and that the results of total mobilization have

not come up to expectations. On the other hand, there is no evidence that this final blow to the economic interests of the lower middle class has done more than merely weaken the enthusiasm of some of these original supporters of the NSDAP.

There is a wealth of evidence in confidential reports and in the German press that defeatism and war-weariness have grown under the impact of these events. The phenomena of declining morale are not confined to any social group, although one of the most conspicuous signs has been the restoration of an eight or nine hour day in some industries.

Moreover successive "comb-outs" of the younger men for the Armed Forces have increased the proportion of older workers in the factories, i.e. of men who were raised in the pre-Hitler labor movement. Concurrently reports have been received of an incipient renewal here and there of activity on the part of labor unions or Social Democrats or Communists. The reports thus far lack substance. On the other hand, in recent months the German press has announced an increasing number of executions of "traitors" or "communists", many of whom have been identified as former trade unionists or Social Democrats. Confidential reports suggest that, especially for Vienna, only a fraction of the executions are announced.

An additional factor in the complex is the presence of some five million foreign civilian workers and a million and a half working prisoners of war. Skillfully handled by the United Nations, these might prove a veritable Trojan Horse. If not, they provide the Nazis with an additional means of instilling fear of defeat in the German people.

d. Obstacles to a Revolution from Within.

Although German civilian morale is weakening, it has not yet cracked. When disintegration does set in, it is less apt to produce revolution than apathy, born of the severe vicissitudes of forty years. Mindful of 1918, the Nazis have

destroyed or coordinated every organization which might serve as a framework for resistance. The only independent institutions to survive are the churches, which are not fitted to lead a political movement. Insofar as underground movements survive, they can hardly consist of more than small and isolated groups.

In short, there is nothing in sight with the will and capacity to resist the NSDAP, the most powerful machine for internal control in modern times. The Nazis have long prepared for the situation which they now face. Since early in 1942, they have been extending and tightening the system of party control. The SS pervades the German police system and the all but independent Waffen SS have been built up of elements which may be relied upon in the event of revolt.

Moreover Nazi propaganda has not reached the end of its rope. Growing distress may increase dependence upon the relief organizations which the NSDAP controls. Socialization remains a possible weapon for arousing last-ditch resistance, though it is doubtful whether it will be tried or whether it would meet with much response.

The final and most important resource of Naze propaganda on the home front is that the German people are caught in trap from which as yet they can see no escape. Goebbels has rung the changes on this with great skill. For ten years the people have been conditioned against a repetition of the Wilsonian appeal. Radio and press unceasingly repeat the warning that the only alternative to a German victory is the extinction of Germany as a nation. The warning is reenforced by stimulating the fear of Russian occupation and by the dread of revenge at the hands of the conquered peoples. Unless this propaganda can be overcome, the Germans will work and fight on, though with diminishing vigor, until they realize that further sacrifices will not avert final defeat. Even then revolt is less probable than apathy.

31. Nazi Foreign Policy

a. Basic Ideas

Nazi foreign policy has been based on a radical pan-Germanism. National Socialism assumes that all historical and political life is determined by blood and race. Life is a continuous fight for self-preservation and domination; and as in nature the stronger beast devours the weaker, so in the world of men the better races are destined to rule over the inferior races. The loftiest race in this hierarchy of races is the Nordic or "Aryan" race which is represented by the German people. In order to maintain its vitality, it is necessary to keep the Germanic race pure and to exclude intermarriage with inferior races, particularly with the Jewish race, which is destroying the congenital aptitude of the master race everywhere. Pacifism, Communism, and Democracy are Jewish inventions to undermine the strength of the Germanic peoples.

Hitler's foreign policy aimed primarily at the rearmament of Germany in order to gather all the people of German race into a Greater Germany. This Greater Germany then was to seize additional territory. It has been one of Hitler's chief theses that the German people of seventy to eighty million needed additional space, new Lebensraum; but while he maintained in public that Germany was over-populated and needed such space for its surplus population, the Nazis have made every effort to increase the birth rate and have predicted that with additional territory the Greater Germany would become the master of the world. Although Hitler's initial conquests were achieved by diplomatic scheming and trickery, he was never in doubt that his ultimate goal of world predominance could be accomplished only through war. The New Order of which he dreamed does not allow for compromise with the old system of international relations. The New Order means a reorganization of the world

under German leadership. The individual states would be formed into regional or continental blocks, each of which is to constitute a balanced economic whole. By controlling the most populated and industrialized block on the continent of Europe, Germany hopes to dominate the world as a whole. Such a re-organization of the world has been called Grossraumwirtschaft. It is now applied to Europe, but is designed to be world wide. Nazi propaganda has been busy recommending it as a device by which world production could be increased. The masses are told that such a system would break down the control of the upper classes, in particular the moneyed interests. Hitler asserts that he will free the world from the bonds of plutocracy.

(1) Nazification of the Foreign Office. In the course of the Nazification of Germany, the Foreign Office and Foreign Service have not escaped. The Foreign Office, even in the days of the Weimar Republic, had been a bulwark of the old conservative elements. As long as Hitler needed the cooperation of these forces, the Nazification of the Office made slow progress and a special party office, the so-called Bureau Ribbentrop, shadowed the actions of the Foreign Office officials. Ribbentrop's appointment as Foreign Minister brought to an end the slow period of Nazification, and by now the Foreign Office is as much Nazi-controlled as any other German government agency. Hitler of course has the final word on all questions of foreign relations. Uncontrolled, he negotiates and denounces treaties. He wages war and makes peace at will.

(2) Rejection of International Law. A good many Nazi statements, beginning with utterances of the Fuehrer himself, could be quoted to the effect that National Socialism recognizes the existence of rules of international law. Nazi theorists have even asserted that only on the basis of a "racial organization" of the world is "genuine" international law possible. This verbal recognition, however, is nothing but camouflage. The

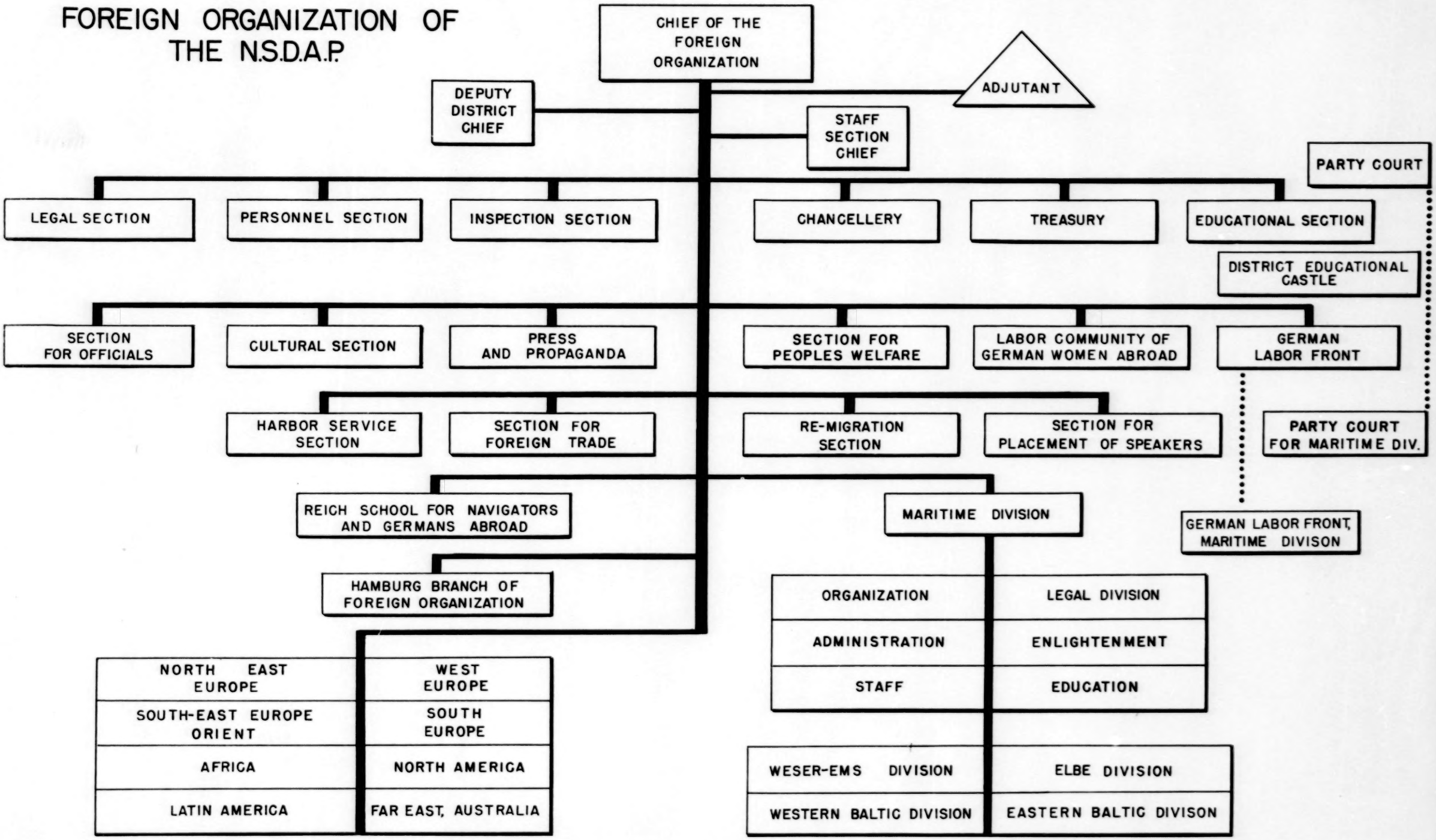
Nazis, in their dealing with other peoples, have always acted on the assumption that relations between nations are guided, not by any rule of law, but by the right of the stronger. In Nazi practice, this means that anything which will promote the interests of the "master race" is just. Thus, the Nazis have never hesitated to violate rules of international law such as the rules of neutrality, nor do they care about the sovereignty of other states. Small states are to be merged with, or subordinated to, the great powers. Whenever, in the course of the war, the Nazis have been found to observe treaties or other rules concerning the law of warfare, this has been for reasons of expediency and should not be taken as evidence of genuine respect for international law.

(3) Methods. In the Nazi state there is no difference between political and economic matters. Economic forces are made to serve the higher political ends, and the minds of the people are to be influenced to accept the objectives of political leadership. The same is true in foreign policy. Political, economic, and propaganda weapons are used with the same purpose of advancing the national interest. There is no distinction between war and peace. If war was to Clausewitz the continuation of policy by different means, almost any distinction between peace and war policies has disappeared in Hitler's empire.

As spearheads of attack, the Nazis have built up cells of supporters in foreign countries. They have, of course, tried to utilize chiefly their racial comrades, but they have undoubtedly also succeeded in making citizens of other countries their innocent or criminal assistants.

(4) Germans Abroad. Foreign Germans are organized in the "District Abroad" (Gau Ausland) under Gauleiter Bohle who heads both the Foreign Organization of the Party (Auslands-Organisation der NSDAP, usually abbreviated as AO) and the corresponding unit in the Foreign Office. Orders are transmitted

FOREIGN ORGANIZATION OF THE N.S.D.A.P.



and information is collected through two channels; on the one hand through the national, regional and local officers of the German minority in each country where one exists, and on the other through the representatives in such countries of the various Nazi corporative bodies (Labor Front, Women's Association, etc.) Where there is a large, vocal, and dissatisfied German minority, it has been possible to immobilize the government.

"Foreign German" is sufficiently vague and elastic for Nazi purposes. Officially the AO is concerned only with the Reichsdeutsche, the Reich citizens resident abroad, and not at all with the Volksdeutsche or "racial Germans" who are citizens of other countries. Contact with these "racial Germans" is ostensibly limited to cultural interests and is carried on by the Foreign Institute in Stuttgart, but in practice the AO and the Foreign Institute work in the closest collaboration. The extent of Nazi interest in any German abroad, whatever citizenship he may profess, is limited solely by the amount of pressure that can be exerted on him.

To the Nazis nationality is racial and irrevocable, and citizenship in another country is of no validity. For international law they have substituted "Group Law", and they demand the right of German minorities anywhere to submit themselves only to their "racial comrades" and not to the government of their own country. No such right is accorded non-German minorities in Germany except insofar as they rank high in the Nazi hierarchy of races. Poles, Negroes, Gypsies, and Jews have no rights, but every German everywhere, though his racial claim may be based on a remote ancestor who emigrated long before, must be judged by German law and subject to German authorities. In the small European countries adjacent to the Reich the result has been a disintegration of the body politic into its "racially" component parts.

(19713)

b. Relations with Italy.

The exact nature of the relations among the Axis Powers is not known. It is a matter of common knowledge that Mussolini hesitated to throw in his lot with Hitler. It was not before the latter part of 1937 that Italy became a partner to the German-Japanese Treaty of November 1936. The relations of the two nations have never been very cordial. Italy, weak in natural and industrial resources and weakened by the war in Ethiopia and Spain, was bound to come under German control when the war continued beyond the fall of France. Italy receives practically all her coal from Germany and her own industries are not capable of supplying large armies. Germany, therefore, dominates the Italian war effort. German troops in Italy and the German air force in the Mediterranean are only the outward symbols of Italy's intrinsic helplessness. Nor has Italy received much of the spoils that resulted from France's break-down. Italy received territories along the Adriatic after the invasion of Jugoslavia and Greece, but the lion's share fell to Germany. None of the French colonies, like Tunis or Algiers, so often coveted by Italy, was turned over to the Italians. Hitler preferred to rule the French Empire through Vichy, until it was wrested from the control of both.

(1) Hungary, Rumania, and Bulgaria. Hungary, Rumania, and Bulgaria have been brought into the war in part by the threat of force but in most cases by clever cooperation between the Nazi sympathizers in those countries and the German Nazi government. In the case of Rumania this was done by a coup d'etat which expelled King Carol, the last Hohenzollern on a European throne.

Hungary was, like Germany, one of the vanquished nations of the first World War. It had an authoritarian government and was allied with Italy in the struggle for a revision of the European Peace Settlement of 1919. Next to Italy, Hungary is considered by the Nazis the most useful ally and it has been

given a better deal than the other small nations. Hungary has received the major part of the territories ceded to Rumania in 1920 and sections of Slovakia. Since some of these former Hungarian regions were left under Rumanian administration, this settlement is not considered wholly satisfactory by the conservative Hungarian government. The Hungarian conservatives are not in sympathy with Nazi ideas and apparently are not anxious to spill the blood of Hungarian soldiers on Hitler's Russian battlefields.

Rumania, now under the rule of General Antonescu, has lost some of its most precious provinces to Hungary though it recovered Bessarabia from Russia. The revolutionary forces in this country are strong. The same is true of Bulgaria which gained sections of the Dobrudja and has occupied large districts of Serbia and Greece.

c. Attitude toward the United States.

The official German attitude towards the United States is determined by Hitler's ambiguous racial philosophy. The general line since 1941 is the accusation that the United States has become the center of a Jewish world conspiracy and every argument is used to belabor American degeneracy and greed. How successful this propaganda will be with the German people is doubtful. The Germans are, no doubt, convinced of the superiority of their own civilization, but most of them prefer Americans to other foreigners. Moreover, most Germans believe that no other economy is run in such an efficient manner. American methods of production have their greatest admirers and imitators in Germany. In addition, many German immigrants have spread the knowledge of American social customs and benefits in Germany. Most important, however, has been the role which the United States played during the last War.

The intervention of the United States then turned the scales against Germany, and Germans are haunted by the fear of a repetition of that event in the present war. Nor has the assistance been forgotten which Americans extended to Germany after the first World War and the role played by the United States in getting Germany on her feet again.

d. Sentiment in Occupied Countries.

In the conquered and occupied countries of Europe, many small groups of the population helped the Nazis in their conquests. The vast majority of the populations of all occupied countries, however, was and has remained anti-Nazi. This is true in occupied France, Belgium, in Holland, Denmark, Norway, Czechoslovakia, Poland, Greece, Serbia, Ostland, and Ukraine. Excepting Poland, the sentiment is probably strongest in Holland and in Norway. Since the two countries have their legitimate governments on the councils of the United Nations, resistance against the Nazis is better organized. The Belgian situation is complicated by the fact that the government is abroad while the King is a German prisoner of war. There can be no doubt, however, about the opposition of the Danes, of most Frenchmen, of the Ukrainian population, of the Poles, and even of the broad masses of Lithuanians, Esthonians, and Latvians.